

BRUNSWICK COUNTY, NORTH CAROLINA



Chapter ??? **Unified Development Ordinance** **Review Draft**

Revised Draft

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March 2006

HERE ARE A FEW NOTES THAT SHOULD HELP IN THE REVIEW OF THIS DRAFT OF THE UDO

Definitions and graphics/illustrations will be inserted upon general approval of the first draft; missing cross-references will be updated; and various comments/questions will be addressed (see “editor’s notes” below).

Editing Marks

“Existing Text” – Text from the existing zoning ordinance that has been preserved is neither underlined nor stricken.

“New Text” – Text that is new in this draft is underlined.

~~“Deleted Text”~~ – Text that is no longer used from the existing ordinance has been stricken.

“[Highlighting and Bracketing]” – References that need to be verified after more of the draft has been edited.

The final copy produced for public review will have all of the stricken text, underlines, and highlights removed.

Editor’s notes

At various points throughout the document, the consultant has used “Editor’s notes” to pose questions, insert reminders, or introduce new concepts. These editor’s notes will be removed prior to completion of the final draft.

Example:

Editor’s note: the consultant has used “Editor’s notes” to pose questions, insert reminders, or introduce new concepts.

Commentaries

Commentaries have been inserted throughout the document to provide further clarification of a standard or requirement. These are usually presented in a narrative form and include things like examples, reference sources for further information, or other information that is not explicitly a standard or requirement. These commentaries will remain in the text after completion of the final draft.

Example:

Commentary: *Commentaries have been inserted throughout the document to provide further clarification of a standard or requirement.*

Numbers

The standard method of indicating numbers between one and ten by spelling them out and numbers 11 and higher by using the numerals has been used.

Additionally, the % sign has been used instead of spelling out “percent”.

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ARTICLE 1. GENERAL PROVISIONS

1.1 TITLE

These regulations shall be known and may be cited as the Unified Development Ordinance of Brunswick County, North Carolina and may be referred to as this “UDO” or this “Ordinance”.

1.2 AUTHORITY

These regulations are adopted pursuant to the authority granted to Brunswick County by Ordinance 153A, Article 18, of the General Statutes of North Carolina.

1.3 JURISDICTION

These regulations govern the development and use of all land, waters, and structures in the unincorporated areas of Brunswick County which are outside of the zoning jurisdiction of any other governmental unit having equal land use regulatory authority.

1.4 PURPOSE

It is the purpose of this Ordinance to:

- 1.4.1. promote the health, safety, and general welfare of the residents of Brunswick County;
- 1.4.2. implement the policies and goals contained with officially adopted plans, including the *Brunswick Tomorrow* Comprehensive Plan and Coastal Area Management Act (CAMA) Land Use Plan;
- 1.4.3. preserve the overall quality of life for residents and visitors;
- 1.4.4. protect the character of established residential neighborhoods;
- 1.4.5. maintain economically vibrant as well as attractive business and commercial areas;
- 1.4.6. retain and expand the County’s employment base;
- 1.4.7. maintain orderly and compatible land-use and development patterns;
- 1.4.8. lessen congestion in the streets and accommodate the use of alternatives to the private automobile including public transportation, and pedestrian and bicycle facilities;
- 1.4.9. ensure adequate light, air, privacy, and access to property;
- 1.4.10. encourage environmentally responsible development practices;
- 1.4.11. promote rehabilitation and reuse of older buildings;
- 1.4.12. maintain a range of housing choices and options;
- 1.4.13. establish clear and efficient development review and approval procedures; and
- 1.4.14. accommodate growth and development that complies with the preceding stated purposes.

1.5 RELATIONSHIP TO ADOPTED PLANS

The administration, enforcement, and amendment of this Ordinance shall be accomplished with consideration of recommendations presented in the documents comprising the Comprehensive Plan. These documents include, but are not limited to, the following: the *Brunswick Tomorrow* Comprehensive Plan, the CAMA Land Use Plan, thoroughfare plan, collector street plan, neighborhood plans, small area plans, community facilities plan, capital improvement program, economic development strategies, housing assistance plan, recreation plan, greenways plan, drainage way and open space plan, and watershed management plan. A copy of the adopted Brunswick Tomorrow Comprehensive Plan shall be filed with the County Clerk.

Article I General Provisions

1.6 Matters regulated

1.6 MATTERS REGULATED

Matters regulated include, but are not limited to:

- 1.6.1.** Use of land and water for trade, industry, residence, parking, and other purposes;
- 1.6.2.** Size of lots, yards, and other spaces;
- 1.6.3.** Maximum coverage of lots by buildings and other structures, and by uses;
- 1.6.4.** Height, size, location, erection and construction, reconstruction, alteration and use of buildings and other structures for trade, industry, residence, and other purposes;
- 1.6.5.** Density of population; and
- 1.6.6.** Division and subdivision of land.

1.7 EFFECTIVE DATE

These regulations shall become effective upon further action by Brunswick County Board of Commissioners.

1.8 RELATION TO OTHER ORDINANCES

It is not intended that this Ordinance in any way repeal, annul or interfere with the existing provisions of any other law or ordinance. In addition, it is not intended that this Ordinance in any way repeal, annul or interfere with any rules, regulations or permits which were legally adopted or issued under previous ordinances for the use or development of land or structures. Finally, it is not intended that this Ordinance interfere with any easements, covenants, or other agreements between parties besides the County of Brunswick. However, if the provisions of this Ordinance impose greater restrictions or higher standards for the use of a building or land, or for yards or size of structures than is called for by other ordinances, permits, easements or agreements, then the provisions of this Ordinance will take precedence over the others and will control the use of development, except as otherwise provided above under Section 1.11, Transitional Provisions.

1.9 REPEAL OF CONFLICTING ORDINANCE

All ordinances or parts of ordinances of the County which are in conflict or inconsistent with this Ordinance are repealed and superseded to the extent necessary to give this Ordinance full force and effect.

1.10 GENERAL RULES OF CONSTRUCTION

For the purposes of these regulations, the following rules of construction shall apply:

- 1.10.1.** These regulations shall be construed to achieve the purposes for which they are adopted.
- 1.10.2.** In the event of a conflict between the text of these regulations and any caption, figure, illustration, or table, the text of these regulations shall control.
- 1.10.3.** In the event of any conflict in limitations, requirements, or standards applying to an individual use or structure, the more stringent or restrictive provision shall apply.
- 1.10.4.** The words "shall", "must", and "will", are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- 1.10.5.** The word "may" is permissive in nature, except when the context of the particular use is negative, and then it is mandatory.
- 1.10.6.** Words used in the present tense include the future tense.

1.10.7. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

1.10.8. Words used in the masculine gender include the feminine gender.

1.11 TRANSITIONAL PROVISIONS

1.11.1. Construction in Progress

The adoption of this Ordinance does not require a change in the plans, construction, or designated use of any building for which actual construction was lawfully begun before [INSERT EFFECTIVE DATE] and on which actual construction has been diligently pursued. For the purpose of this provision, “actual construction” includes the erection of construction materials in permanent position and fastened in a permanent manner; and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work must be diligently pursued until completion of the building.

1.11.2. Approvals Granted Before Effective Date

Building permits, variances, special exception permits, subdivision plans, site plan approvals, and other similar development approvals that are valid on [INSERT EFFECTIVE DATE MINUS ONE DAY], will remain valid until their expiration date. Development may be completed in accordance with such approvals even if such building, development or structure does not fully comply with provisions of this Ordinance. If building is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building, development or structure must meet the standards of this Ordinance in effect at the time of re-application.

1.11.3. Applications in Progress before Effective Date

Applications for building permits, variances, special exception permits and other similar development approvals that were submitted in complete form and are pending approval on [INSERT EFFECTIVE DATE] must be reviewed wholly under the terms of the ordinance in effect on [INSERT EFFECTIVE DATE]. Any re-application for an expired approval must meet the standards of this Ordinance in effect at the time of re-application.

1.11.4. Violations Continue

Violations of the previous ordinance will continue to be a violation under this Ordinance and be subject to penalties and enforcement under [INSERT ENFORCEMENT ART XREF]. The adoption of this Ordinance does not affect nor prevent any pending or future action to abate violations of previous ordinances.

1.11.5. Nonconformities

Nonconformities under the previous ordinance may continue under this Ordinance.

1.11.6. Zoning District Conversions

The zoning map designations in effect on [INSERT EFFECTIVE DATE] are converted as follows:

Previous Map Designation	New Map Designation
<i>Residential Districts</i>	
<i>Commercial Districts</i>	

Article I General Provisions

1.12 Separability

Previous Map Designation	New Map Designation
<i>Industrial Districts</i>	
<i>Special Purpose Districts</i>	
<i>Overlay Districts</i>	

1.12 SEPARABILITY

If any section of specific provisions or standards of these regulations that are hereby established or may exist in the future is found by a court of competent jurisdiction to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations, except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

ARTICLE 2. DECISION-MAKING AND ADMINISTRATIVE BODIES

2.1 GENERAL

2.1.1. Purpose

This Section establishes review authority under this Ordinance. Specific requirements for each type of application or permit are described in Article 3, Permits and Review Procedures.

2.1.2. Temporary Disqualification

A board, commission, or committee member may not participate in any vote on a matter that would violate an applicant's right to an impartial decision maker. Common conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members of the board, commission, or committee shall by majority vote rule on the objection.

2.2 BOARD OF COUNTY COMMISSIONERS

2.2.1. Establishment, Membership and Procedure

Information regarding the establishment, membership and rules of procedure of the Board of County Commissioners is available in the County Code.

2.2.2. Powers and Duties

A. General

The Board of County Commissioners shall have the following general powers and duties:

1. To maintain a Planning Board and assure that the Board performs satisfactorily in development of the comprehensive plan including scheduled review and update of same from time to time, and further that the Planning Board performs duties and responsibilities assigned by statute and by this Ordinance;
2. To establish a Zoning Board of Adjustment and assure that Board performs satisfactorily in the duties and responsibilities assigned to it by this Ordinance;
3. To provide by appropriation funds for the administration of this Ordinance;
4. To direct and assist the County Manager and County Attorney in their responsibilities assigned by this Ordinance and by Statute.

B. Final Action

The Board of County Commissioners shall hear and take final action on the following development review procedures:

1. Ordinance Text Amendments (Section 3.2); and
2. Rezoning (Section 3.3).

2.3 PLANNING BOARD

2.3.1. Establishment, Membership and Procedure

The Planning Board is established by Article II, Ordinance 1-2, Code of Ordinances, Brunswick County, N.C. As stated in that Article and hereby reaffirmed, the Planning Board is that planning agency designated by N.C.G.S. 153A-344. In addition to the duties and responsibilities assigned by

2.4 Zoning Board of Adjustment

Article II, Ordinance XX, Code of Ordinances, Brunswick County, N.C. and by N.C.G.S. 153A-322, the Planning Board shall have the specific powers and duties provided within this Ordinance.

2.3.2. Powers and Duties

A. Review and Recommendation

The Planning Board shall review and make a recommendation on the following development review procedures:

1. Ordinance Text Amendment (Section 3.2); and
2. Rezoning (Section 3.3);

B. Final Action

The Planning Board shall hear and take final action on the following development review procedures:

1. Variance from the Subdivision Permit Requirements (Section 3.4);
2. Preliminary Plat (Section 3.5.11);
3. Major Site Plan (Section 3.6.2.B);
4. Planned Unit Development Review (Section 3.7); and
5. Zoning Vested Rights determination (Section 3.8).

2.4 ZONING BOARD OF ADJUSTMENT

2.4.1. Establishment, Membership, and Rules of Procedure

A. Establishment

A Zoning Board of Adjustment is hereby created. This board may also be known as the Board of Adjustment (BOA).

B. Membership

1. The Zoning Board of Adjustment shall consist of five voting members, each a resident of one of the five Electoral Voting Districts, of two alternate members, and of five non-voting ex officio members as follows:
 - i. the County Attorney or assignee;
 - ii. a member of the Board of County Commissioners selected by the Board of County Commissioners;
 - iii. a member of the Planning Board selected by the Planning Board,
 - iv. the Zoning Administrator, who shall also serve as Clerk to the Board of Adjustment; and
 - v. the Director of Building Inspections.
2. In the event the Zoning Administrator is unavailable, then the Planning Director shall serve as an ex officio member.
3. Terms of office of ex officio members are at the pleasure of their appointing authority.

C. Rules of Procedure

1. The Board of Adjustment is a quasi-judicial body; it shall establish a regular schedule of meeting as to time, date, and place, and shall establish Rules of Procedure.

2. A quorum is not obtained unless four voting members are present. In the event there is abstention for reason declared into the record by a voting member, then a particular matter cannot proceed unless and until four other voting members are present and vote. As required by N.C.G.S. 153A-345(e), a four-fifths vote of the members is required on any motion before the Board.
3. The Year of the Zoning Board of Adjustment is August 1–July 31.
4. As early as possible in each new Year of the Board, the voting members shall elect a chairman and vice-chairman. Either such party when in the chair shall have the authority to administer oaths to witnesses.
5. All decisions of the Board of Adjustment run with the land, never the person or corporation. Special Exceptions may have time limits imposed on their validity.
6. The minutes of the Zoning Board of Adjustment shall be kept in such detail as necessary, and do not reflect official action of the Board until adoption of same.
7. Minutes shall be filed in the office of the Zoning Administrator, as a public record.

2.4.2. Powers and Duties

A. Final Action

The Board of Adjustment shall hear and take final action on the following development review procedures:

1. Variance (Section 3.4);
2. Zoning Vested Right (Section 3.8);
3. Special Exception Permit (Section 3.9);
4. Appeal of Administrative Decision (Section 3.10);
5. Approval of Wireless Telecommunications Facilities (Section 7.3.4.N); and
6. In concert with the Planning Director or assignee, interpret zoning lines, and Zoning District boundary lines.

2.5 AGRICULTURAL ADVISORY BOARD

2.5.1. Establishment, Membership, and Rules of Procedure

A. Establishment

In accordance with N.C.G.S. 106-739, the Board of County Commissioners hereby establishes an Agricultural Advisory Board. This board may also be known as the Advisory Board.

B. Membership

1. Appointment

Initially, the Agricultural Advisory Board shall consist of five members appointed by the Board of Commissioners.

2. Membership Requirements

- i. Each Board member shall be a resident of Brunswick County and registered to vote in the County.
- ii. Four of the five members shall be actively engaged in farming.

2.5 Agricultural Advisory Board

- iii. The four members actively engaged in farming shall be selected by appointment by the Board of Commissioners from the names of individuals submitted to the Board of Commissioners by the Brunswick Soil and Water Conservation District, the North Carolina Cooperative Extension Service, the Farm Service Agency Committee, and the Brunswick County Farm Bureau, with an effort to have the broadest geographical and commodity representation possible. The fifth member shall have special interest, experience, or education in agriculture and/or rural land preservation.

3. Tenure

- i. Members are to serve for terms of three years, except that the initial Board is to consist of two appointees for a term of one year, two appointees for terms of two years, and one appointee for a term of three years. Tenures of the initial Board shall be determined by lottery.
- ii. Reappointment to the Board shall be permitted.

4. Vacancies

Any vacancy on the Agricultural Advisory Board shall be filled by the Board of Commissioners for the remainder of the unexpired term following the same procedure as for an initial appointment to the Advisory Board.

5. Removal for Cause

Any member of the Advisory Board may be removed by the Board of Commissioners upon receipt of written charges and after a public hearing before the Board of Commissioners.

6. Funding

i. Compensation

The per-meeting compensation of members of the Advisory Board shall be established by the Board of Commissioners.

ii. Appropriations for Performance of Duties

Funds shall be appropriated by the Board of Commissioners to the Advisory Board to perform its duties. The Advisory Board shall present an annual budget request to the Board of Commissioners.

C. Procedures

The Agricultural Advisory Board shall adopt rules of procedure which are consistent with the enabling legislation and other applicable statutes.

1. Chairperson

The Advisory Board shall elect a chairperson and vice-chairperson each year at its first meeting of the fiscal year. The chairperson shall preside over all regular or special meetings of the Board. In the absence or disability of the chairperson, the vice-chairperson shall preside and shall have and exercise all the powers of the chairperson. Additional officers may be elected as needed.

2. Jurisdiction and Procedures- Supplementary Rules

The Advisory Board may supplement the rules and procedures established in this Section by adoption of additional rules of procedure provided no additional rule shall be inconsistent with this Section or any other applicable laws or regulations.

3. Year

The Advisory Board shall use the County fiscal year as its meeting year.

4. Meetings**i. Scheduling**

- (a) All meetings of the Advisory Board shall require a notice to be published at least ten calendar days prior to the date of the meeting.
- (b) The Advisory Board chairperson shall call all meetings.
- (c) The Advisory Board shall hold a called meeting at least once every three months.
- (d) Additional meetings may be held at the call of the chairperson or at such times as the Advisory Board specified in the adopted rules of procedure.

ii. Quorum

A quorum shall consist of a majority of the members of the Advisory Board.

5. Voting

The concurring vote of a majority of the members of the Advisory Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or agency, to decide in favor of an applicant, or to pass upon any other matter on which it is required to act.

6. Records

The Advisory Board shall keep minutes of the proceedings showing the vote of each member upon each item, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Advisory Board immediately following each meeting. All minutes and other records shall be public record.

7. Administrative Services

The North Carolina Cooperative Extension Service shall serve the Advisory Board for record keeping, correspondence, and application procedures of this Section together with such other services the Advisory Board needs to complete its duties.

2.5.2. Powers and Duties

The Advisory Board shall have the following powers and duties:

- A. Review and approve applications for qualified farmland and participation in the Agricultural Preservation Program (Section 6.12).
- B. Approve or deny applications for implementation, expansion, or withdrawal from an Voluntary Agricultural District (Section 6.12.4 through Section 6.12.6);
- C. Advise the Board of Commissioners on projects, programs or issues effecting the agricultural economy or activities within the County and that will effect the Agricultural Preservation Program.

2.6 PLANNING DIRECTOR

2.6.1. General

The Planning Director is designated as head of the Planning Department and shall be responsible for administering the provisions of this Ordinance as set forth in this section.

2.6.2. Delegation of Authority

The Planning Director may designate any staff member to represent the Director in any function assigned by this Unified Development Ordinance. The Director shall remain responsible for any final action.

2.7 Zoning Administrator

2.6.3. Powers and Duties

A. Review and Recommendation

The Planning Director shall make a recommendation on the following development review procedures:

1. Variance (Section 3.4);
2. Preliminary Plat (Section 3.5.11);
3. Major Site Plan (Section 3.6.2.B); and
4. Planned Unit Development Review (Section 3.7).

B. Final Action

The Planning Director shall hear and take final action on the following development review procedures:

1. Subdivision- Minor Plat (Section 3.5.10)
2. Subdivision- Final Plat (Section 3.5.12.I);
3. Minor Site Plan (Section 3.6.2.A);
4. Administrative Adjustment (Section 3.11);
5. Traffic Impact Assessment (Section 3.12); and
6. Written Interpretation (Section 3.13).

C. Acting as Zoning Administrator

In the absence of the Zoning Administrator, the Planning Director shall be responsible for assuring the actions requiring Zoning Administrator review or approval are carried out.

2.7 ZONING ADMINISTRATOR

2.7.1. General

The County Manager shall name a Zoning Administrator.

2.7.2. Delegation of Authority

The Zoning Administrator may designate any staff member to represent the Administrator in any function assigned by this Unified Development Ordinance. The Administrator shall remain responsible for any final action.

2.7.3. Powers and Duties

A. Review and Recommendation

The Zoning Administrator shall make a recommendation on the following development review procedures:

1. Ordinance Text Amendment (Section 3.2);
2. Rezoning (Section 3.3);
3. Variance (Section 3.4); and
4. Special Exception Permit (Section 3.9).

B. Final Action

The Zoning Administrator shall hear and take final action on the following development review

procedures:

1. Zoning Permit (Section 3.15.1);
2. Temporary Use Permit (Section 3.15.4); and
3. Sign Permit (Section 3.15.6).

2.8 STORMWATER ADMINISTRATOR

2.8.1. General

The County Manager shall designate a Stormwater Administrator to review and approve Stormwater Permit applications and stormwater management plans.

2.8.2. Powers and Duties**A. Final Action**

The Stormwater Administrator shall hear and take final action on the following development review procedures:

1. Stormwater Permits; and
2. Stormwater management plans.

2.9 BUILDING INSPECTOR

2.9.1. General

The County Manager shall designate a Building Inspector to review and approve certain permit applications.

2.9.2. Powers and Duties**A. Final Action**

The Building Inspector shall hear and take final action on the following development review procedures:

1. Certificate of Occupancy (Section 3.15.2); and
2. Certification of Manufactured Home (Section 3.15.5).

2.10 TECHNICAL REVIEW COMMITTEE

2.10.1. Establishment, Membership, and Procedures**A. Establishment**

A Technical Review Committee shall be established to provide a coordinated and centralized technical review process. The members of the Technical Review Committee shall be composed of persons from various County departments and agencies which have an interest in the development review process.

B. Membership**1. Chair**

The Planning Director shall serve as Chair of the Technical Review Committee and shall be responsible for all final decisions of the Committee.

2. Other Members

In addition to the Chair, the Technical Review Committee shall be comprised of the following

2.11 Utility Services Committee

members:

- i. A representative from the Brunswick County Planning Board;
- ii. A representative from Brunswick Director of Engineering Services;
- iii. A representative from Brunswick County Utilities;
- iv. A representative from Brunswick County Geographic Information Services;
- v. A representative from Brunswick County Emergency Management Services;
- vi. A representative from Brunswick County Parks and Recreation;
- vii. A representative from Brunswick County Environmental Health;
- viii. A representative from Brunswick County Board of Education;
- ix. A representative from Brunswick County Soil and Water Conservation;
- x. A representative from Brunswick County Solid Waste;
- xi. A representative from North Carolina Department of Transportation (NCDOT)
- xii. A representative from Brunswick Electric Membership Corporation (BEMC);
- xiii. A representative from Progress Energy;
- xiv. A representative from Atlantic Telephone Membership Corporation (ATMC);
- xv. A representative from Bell South; and
- xvi. Any other County staff or external agencies the Chair deems necessary for the professional review of an application.

C. Procedures

The Technical Review Committee shall meet as often as necessary to fulfill its duties or upon call of the Chair of the committee to discuss Planned Unit Development applications. All comments from such review shall be made available to the applicant a minimum of [XX] working days prior to consideration by the subsequent review body. The meeting notes of each meeting shall be filed with the Planning Director.

2.10.2. Powers and Duties

A. Review and Recommendation

The Technical Review Committee shall make a recommendation on the following development review procedures:

1. Subdivision- Preliminary Plat (Section 3.5.11);
2. Site Plan- Major/Multifamily (Section 3.6.2.B);
3. Planned Unit Development review (Section 3.7);
4. Transportation Impact Assessment (Section 3.12); and
5. Any other review requested by an approving authority.

2.11 UTILITY SERVICES COMMITTEE

2.11.1. Establishment, Membership, and Procedures

A. Establishment

A Utility Services Committee shall be established to provide a coordinated and centralized review process for utilities elements of applications. The members of the Utility Services Committee shall be composed of persons from various County departments which have an interest in the development

review process.

B. Membership**1. Chair**

The Director of Engineering Services shall serve as Chair of the Utility Services Committee and shall be responsible for all final decisions of the Committee.

2. Other Members

In addition to the Chair, the Utility Services Committee shall be comprised of the following members:

- i. A representative from Brunswick County Utilities;
- ii. A representative from Brunswick County Stormwater; and
- iii. Any other County staff or external agencies the Chair deems necessary for the professional review of an application.

C. Procedures

All comments from such review shall be made available to the applicant a minimum of [XX] working days prior to consideration by the subsequent review body. The Utility Services Committee shall meet as often as necessary to fulfill its duties or upon call of the Chair of the committee to discuss applications. The meeting notes of each meeting shall be filed with the Planning Director.

2.11.2. Powers and Duties**A. Review and Recommendation**

The Utility Services Committee shall make a recommendation on the following development review procedures:

1. Minor Plat (Section 3.5.10); and
2. Any other review requested by an approving authority.

2.12 OTHER DEPARTMENTS

Other departments may be empowered by the Board of County Commissioners to develop, maintain and implement technical standards, specifications, and guidelines.

Article 2 Decision-Making and Administrative Bodies

2.13 Summary of Review Authority

2.13 SUMMARY OF REVIEW AUTHORITY

The following table summarizes review and approval authority under this Ordinance.

	Utility Services Committee	Technical Review Committee	Stormwater Administrator	Zoning Administrator	Planning Director	Zoning Board of Adjustment	Planning Board	Board of County Commissioners	
	USC	TRC	SA	ZA	PD	BOA	PB	BOCC	
"R" = Review and Recommendation authority; "D" = Decision authority; "< >" = Public Hearing Required									
Text Amendment				R			<R>	<D>	Section 3.2
Rezoning				R			<R>	<D>	Section 3.3
Variance				R	R	<D ² >	<D ² >	<D ² >	Section 3.4
Subdivision- Minor Plat	R				D				Section 3.5.10
Subdivision- Preliminary Plat		R			R		<D>		Section 3.5.11
Subdivision- Final Plat		R			D				Section 3.5.12
Site Plan		R			D ¹ /R	<D ¹ >	<D ¹ >		Section 3.6
Planned Unit Development Review		R			R		<D>		Section 3.7
Zoning Vested Right						<D ³ >	<D ³ >		Section 3.8
Special Exception Permit				R		<D>			Section 3.9
Appeal of Administrative Decision						<D>			Section 3.10
Administrative Adjustment					D				Section 3.11
Transportation Impact Assessment		R			D				Section 3.12
Written Interpretation					D				Section 3.13
Zoning Permit				D					Section 3.15.1
Certificate of Occupancy				D					Section 3.15.2
Temporary Use Permit				D					Section 3.15.4
Certification of Manufactured Home				D					Section 3.15.5
Sign Permit				D					Section 3.15.6
Stormwater Permit			D						Section 3.15.8
"R" = Review and Recommendation authority; "D" = Decision authority; "< >" = Public Hearing Required									
Notes: ¹ The Planning Director shall serve as the approving authority for all Minor Site Plan applications (review only for Major Site Plans). The Zoning Board of Adjustment shall serve as the approving authority for all Major Site Plan applications requiring Special Exception Approval. The Planning Board shall serve as the approving authority for all other Major Site Plan applications. ² The Planning Board shall serve as the approving authority for all variances from Subdivision requirements; the Board of County Commissioners shall serve as the approving authority for all variances from the Stormwater Permit requirements; the Zoning Board of Adjustment shall serve as the approving authority for variances from all other requirements. ³ The Board of Adjustment shall serve as the approving authority for a vested rights determination on all site plans involving a Special Exception Permit except Planned Unit Developments. The Planning Board shall serve as the approving authority for all other vested rights									

ARTICLE 3. REVIEW PROCEDURES

3.1 COMMON REVIEW PROCEDURES

3.1.1 Pre-Application Conference

- A. Before submitting an application for development approval, each applicant may schedule a pre-application conference with the Planning Director to discuss the procedures, standards and regulations required for development approval in accordance with this Ordinance.
- B. The pre-application conference does not necessarily have to be a face-to-face meeting. Phone calls and e-mail exchanges may be used.
- C. A pre-application conference with the Planning Director shall be required for the following approvals:
 - 1. Rezoning (Section 3.3);
 - 2. Subdivision review (Section 3.5);
 - 3. Site plan review (Section 3.6);
 - 4. Planned Unit Development review (Section 3.7);
 - 5. Special exception permit (Section 3.9); and
 - 6. Any application requiring a Transportation Impact Assessment (Section 3.12).

3.1.2 Neighborhood Meeting

Editor's note: The neighborhood meeting is an opportunity for an applicant to inform the community on the proposed project and hear comments. At these meetings, the community has an opportunity to review the proposal and may offer suggestions. Community suggestions are not binding but the meeting can result in a better final project.

While the meeting is not a requirement, it is good planning practice and it is our experience that most in the development community are already holding meetings like this. These guidelines are intended to provide a framework for applicants who are not familiar with the process.

An example of the benefit of these meetings is the preservation a pedestrian trail to a nearby school. Although children had been using the path for years, it didn't show up on any property maps or aerial photos and the developer wasn't aware of it. The developer agreed to preserve the trail and the community actually advocated for the project at the public hearing because the project improved child safety.

- A. After the pre-application conference, the applicant is encouraged to hold a neighborhood meeting prior to submitting an application for any of the following approvals:
 - 1. Rezoning (Section 3.3);
 - 2. Major Subdivision (Section 3.5.6.B);
 - 3. Planned Unit Development review (Section 3.7); and
 - 4. Special Exception Permit (Section 3.9).
- B. A neighborhood meeting is required (**MANDATORY**) for all modifications to an approved Planned Unit Development (Section 3.7).
- C. The purpose of the neighborhood meeting is to inform the neighborhood of the nature of the proposed land use and development features, explain the plan (if any), and receive comments.

Article 3 Review Procedures

3.1 Common Review Procedures

Comments from the neighborhood are not binding on the applicant. However, the applicant may elect to revise elements of the project to incorporate suggestions.

- D. At the meeting, the applicant should present a concept plan and provide a narrative description of the proposed project. This meeting may be conducted in multiple formats, including:
 - 1. A single presentation or workshop before the attendees;
 - 2. An open house where individuals may receive information on the proposal and offer comments. If this option is used, the open house should be available multiple days including at least one weekend day; or
 - 3. Other format deemed appropriate with consultation of the Planning Director.
- E. When a neighborhood meeting is held, the meeting must occur at least five days prior to the first public hearing where the application is to be considered.
- F. When a neighborhood meeting is held, the applicant should provide notice by posting a sign on the site at least ten days prior to the date of the neighborhood meeting. When posted, signs shall satisfy the following criteria:
 - 1. The sign must be six square feet in size and the bottom of sign must be at least four feet off the ground.
 - 2. The sign must include the title 'PRE-APPLICATION NEIGHBORHOOD MEETING' at the top of the sign.
 - 3. The sign should include a brief narrative of the project proposal/ request
 - 4. The sign should include the time, date, and place of the neighborhood meeting (if applicable).
 - 5. The sign should include a statement on where concerned citizens can contact the applicant for more information, including phone number and/or e-mail address.
 - 6. The applicant must remove the sign within 24 hours after the neighborhood meeting.
 - 7. No sign may be placed within the right-of-way or within 50 feet of any street intersection.
 - 8. No sign may be placed or mounted on utility, traffic or other similar structures.

3.1.3. Application Requirements

A. Forms

Applications required under this Ordinance shall be submitted on forms and in such numbers as required by the appropriate department.

B. Minimum Information Required

- 1. All applications for land use permits shall be accompanied by accurate plot plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the legal description of the lot to be built upon or used; or the location of the plans as recorded by the Brunswick County Register of Deeds, the exact sizes and location on the lot of all existing buildings and accessory buildings; the lines within which the proposed building or structure shall be erected; the existing and intended use of each building or part of building and any other data deemed necessary by the approving agency to determine compliance of a proposed development with the terms of this Ordinance.
- 2. Applications for rezoning, major subdivision, or planned unit developments shall designate on preliminary development plans, the location and distance to any Agricultural Preservation Districts within 1/2 aerial mile of the proposed development.

3. For nonresidential use: a properly completed checklist including the following information shall accompany all applications:
 - i. Driveway entrance permit for transmittal to the North Carolina Division of Highways, District Engineer.
 - ii. Location of signs, if any, including ownership and type (identification, commercial, or those not requiring a permit).
 - iii. Whether excavation, clearing of ground, or moving of earth other than that actually required for the building, is expected to occur.
 - iv. Division of Coastal Management Approval and Division of Water Quality Approval.
4. Additional information or materials may be required by the approving agency.
5. Additional information may be required by the approving authority to determine compliance with all applicable requirements of this Ordinance.

C. Electronic Files Required

1. Applications for site plan or subdivision involving more than ten lots shall provide electronic drawings in ".dwg", ".dxf", or ".shp" format. Files must be drawn to scale in feet units, referenced to the NC State Plane coordinate system.
2. Consult with the Planning Department for more information on electronic data requirements.

D. Fees

1. Filing fees shall be established from time to time to defray the actual cost of processing the application.
2. Before any permit shall be issued or application review initiated, a fee in an amount fixed by the Board of County Commissioners shall be paid.
3. An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its distribution for review shall be entitled to a refund of the total amount paid, less ten percent for administrative costs, upon written request to the appropriate department.

E. Applications Sufficient For Processing

1. All applications must be sufficient for processing before the appropriate department is required to review the application.
2. The presumption shall be that all of the information required in the application forms is necessary to satisfy the requirements of this section. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.
3. Once the application has been determined sufficient for processing, copies of the application shall be referred by the appropriate department to the appropriate reviewing entities.
4. The appropriate department may require an applicant to present evidence of authority to submit the application.

F. Application Deadline

Applications sufficient for processing shall be submitted to the appropriate department in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

G. Staff Consultation after Application Submitted

1. Upon receipt of an application sufficient for processing, the Planning Director shall review the application and confer with the applicant to ensure an understanding of the applicable requirements of this Ordinance; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.
2. Once the applicant indicates that the application is as complete as the applicant intends to make it, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures. However, if the Planning Director believes the application is incomplete, a recommendation to deny the application on that basis shall be provided to the appropriate reviewing entity.

H. Simultaneous Applications

1. Applications for development approvals may be filed and reviewed simultaneously, at the option of the applicant. Any application that also requires a variance or special exception permit shall not be eligible for final approval until the variance has been granted.
2. Applications submitted simultaneously are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

3.1.4. Notice and Public Hearings

A. Summary of Notice Required

Notice shall be required for applications for approval as shown in the table below.

	Published	Mailed	Posted	
Text Amendment	✓			Section 3.2
Rezoning	✓	✓	✓	Section 3.3
Variance		✓	✓	Section 3.4
Subdivision- Preliminary Plat		✓		Section 3.5.11
Site Plan- Major/Multifamily Developments	✓		✓	Section 3.6.2.B
Planned Unit Development Review	✓	✓	✓	Section 3.7
Special Exception Permit	✓	✓	✓	Section 3.9

Editor's note: Posted notice for Major Site Plan, PUD Review, and Special Exception Permit is proposed.

B. Public Notice Requirements

1. Published Notice

Where published notice is required, a distinctive advertisement shall be placed by the County in a local newspaper of general circulation once a week for two successive calendar weeks, the first notice being published not less than ten days nor more than 25 days before the date fixed for the public hearing.

2. Posted Notice (Sign)

Where posted notice is required, a sign shall be posted by the Planning Director not less than ten days prior to the public hearing at which the application shall be reviewed. The sign shall be posted on the property or at a point visible from the nearest public street.

3. Mailed Notice

- i. Where mailed notice is required, the County shall notify by first class mail all property owners on adjoining properties.
- ii. The notice shall be mailed at least 14 but not more than 25 days prior the date of the public hearing.
- iii. Mailed notice under this section shall not be required if a rezoning directly affects more than 50 properties owned by a total of at least 50 different property owners, and the County elects to use the following expanded published notice requirements:
 - (a) A distinctive advertisement may be placed once a week for four successive calendar weeks in a local newspaper of general circulation. The advertisement shall not be less than one-half of a newspaper page in size.
 - (b) In addition to the published notice, the Planning Director shall post a sign in accordance with the posted notice requirements of this Section.
 - (c) Mailed notice shall be provided by first class mail to property owners who reside outside of the newspaper's circulation area.

4. Content of Notice

The notice listed above shall contain the following specific information.

i. Published or Mailed Notice

A published or mailed notice shall provide at least the following:

- (a) Parcel Identification Number(s);
- (b) The address of the subject property (if available);

Article 3 Review Procedures

3.1 Common Review Procedures

- (c) The general location of the land that is the subject of the application, which may include, a location map;
- (d) A description of the action requested;
- (e) Where a zoning map amendment is proposed, the current and proposed districts;
- (f) The time, date and location of the public hearing;
- (g) A phone number to contact the County; and
- (h) A statement that interested parties may appear at the public hearing.

ii. Posted Notice

Required posted notices shall indicate the following:

- (a) A case number;
- (b) Type of action; and
- (c) A phone number to contact the County.

C. Constructive Notice

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a *bona fide* attempt has been made to comply with applicable notice requirements.

3.1.5. Required Hearing

A public hearing shall be required for development review as shown in the table below.

	Board of Adjustment	Planning Board	Board of County Commissioners	
	BOA	PB	BOCC	
Text Amendment		✓	✓	Section 3.2
Rezoning		✓	✓	Section 3.3
Variance	✓	✓	✓	Section 3.4
Subdivision- Preliminary Plat		✓		Section 3.5.11
Site Plan- Major/Multi-family	✓			Section 3.6.2.B
Planned Unit Development Review		✓	✓	Section 3.7
Zoning Vested Right	✓	✓		Section 3.8
Special Exception Permit	✓	✓		Section 3.9
Appeal of Administrative Decision	✓			Section 3.10

3.1.6. Decisions

Unless specifically provided elsewhere, all decisions on land use changes, including rezoning, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

3.1.7. Notice of Decision

After a decision is made, a copy of the decision shall be sent to the applicant within reasonable time and filed in the Planning Department, where it shall be available for public review during regular office hours.

3.2 ORDINANCE TEXT AMENDMENT

3.2.1 Applicability

- A. The Board of County Commissioners shall consider amendments to the text of this Ordinance, as may be required from time to time.
- B. Amendments to the text of this Ordinance shall be made in accordance with the provisions of this section.
- C. A request to amend the text of this Ordinance may be initiated by the Board of County Commissioners, the Board of Adjustment, the Planning Board, the Agricultural Advisory Board, the Zoning Administrator, or a citizen of Brunswick County.
- D. Amendments to the Agricultural Preservation Program (Section 6.12) shall not use the procedures contained in this Section and shall instead be amended subject to Section 6.12.17, Amendments to the Agricultural Preservation Program.

3.2.2 Action by the Zoning Administrator

- A. The Zoning Administrator shall be responsible for review and recommendation regarding amendments to the text of this Ordinance.
- B. When a text amendment is initiated by the Board of County Commissioners, the Board of Adjustment, the Planning Board, or the Agricultural Advisory Board, the Zoning Administrator, in consultation with the appropriate body, shall draft an appropriate ordinance and present that ordinance to the Planning Board so that a public hearing may be set.
- C. The Zoning Administrator shall prepare a staff report that reviews the proposed text amendment request in light of any applicable plans and the general requirements of this Ordinance.

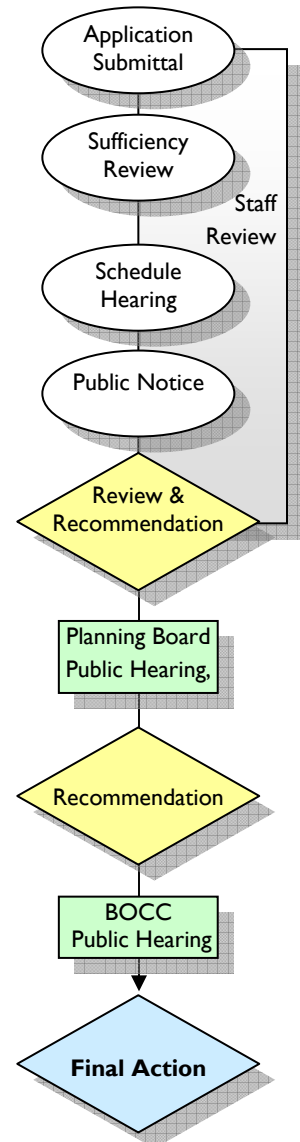
3.2.3 Action by the Planning Board

A. General Procedures

- 1. Before making any recommendation on a text amendment, the Planning Board shall consider any recommendations from the Zoning Administrator and shall conduct a public hearing where interested parties may be heard.
- 2. Notice and public hearing requirements shall be in accordance with Section 3.1.4.
- 3. The Planning Board shall make a recommendation based on the approval criteria in Section 3.2.5, as appropriate.
- 4. The Planning Board shall make its recommendation within 90 days of its initial public hearing unless the text amendment is granted expedited status.
- 5. When a recommendation is not made within the time periods established in this section, the Board of County Commissioners may process the request without a Planning Board recommendation.

B. Changed Application

If the applicant makes significant changes to the application for a text amendment after the Planning



Board has made its recommendation, the Zoning Administrator may refer the modified request back to the Planning Board for an additional public hearing.

C. Expedited Hearing

1. If the Board of County Commissioners has set an expedited hearing concerning a request, in accordance with 3.2.4.B, below, a public hearing before the Planning Board shall be held at the first available hearing date or prior to the hearing before the Board of County Commissioners.
2. The Planning Board may not continue a request that is subject to an expedited public hearing.

3.2.4. Action by Board of County Commissioners

A. General Procedures

1. Before taking action on a text amendment, the Board of County Commissioners shall consider the recommendations of the Planning Board and Zoning Administrator and shall conduct a public hearing.
2. Notice and public hearing requirements shall be in accordance with Section 3.1.4.
3. The Board of County Commissioners shall make a decision based on the approval criteria in Section 3.2.5, as appropriate.
4. Following the public hearing, the Board of County Commissioners may approve the text amendment, deny the amendment, or send the amendment back to the Planning Board or a committee of the Board of County Commissioners for additional consideration.

B. Expedited Hearing

1. The Board of County Commissioners, in situations in which it determines certain standards have been met, may expedite the hearing process on a proposed amendment.
2. The Board of County Commissioners may consider a written request requesting an expedited hearing process. The request shall identify and support the reasons for such expedited consideration.
3. In order to grant the request, the Board of County Commissioners shall find that at least one of the criteria below have been met:
 - i. Deadlines set by the local, State or Federal government for receipt of application for needed funding, designation or other regulations concerning the property make expedited consideration necessary;
 - ii. The proposed text amendment results from an emergency beyond the control of the applicant, such as response to a disaster;
 - iii. The proposed text amendment addresses an urgent matter of public health or safety; or
 - iv. The proposed text amendment addresses issues raised in threatened, actual, or potential litigation against the jurisdiction that made expedited consideration necessary.
4. In no event may the Board of County Commissioners hearing occur less than 30 days after the Planning Board has received the request for the expedited hearing.

3.2.5. Approval Criteria

- A.** In evaluating any proposed ordinance text amendment, the Planning Board and the Board of County Commissioners shall consider the following:

1. The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
 2. The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
 3. Whether or not the proposed text amendment corrects an error in the Ordinance; and
 4. Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.
- B. In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Board of County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with the Comprehensive Plan, the CAMA Land Use Plan, and the specific intent of this Ordinance.

3.3 Rezoning

3.3 REZONING

3.3.1. Applicability

- A. Amendments to the Zoning Map shall be made in accordance with the provisions of this section.
- B. The Board of County Commissioners shall consider amendments to the Zoning Map of Brunswick County, as may be required from time to time.
- C. Rezoning should correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a rezoning request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this Ordinance.
- D. All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

3.3.2. Initiation of Amendment

A request for a rezoning may be initiated by the Board of County Commissioners, the Board of Adjustment, the Planning Board, the Zoning Administrator, or the property owner or their agent or any other party, except that a petition for a zoning map change with a development plan may only be initiated by the property owner or their agent.

3.3.3. Pre-Application Conference

All applicants petitioning for a rezoning shall schedule a pre-application conference with the Zoning Administrator in accordance with Section 3.1.1.

3.3.4. Neighborhood Meeting

All applicants petitioning for a rezoning are encouraged to hold a neighborhood meeting in accordance with Section 3.1.2.

3.3.5. Application Requirements

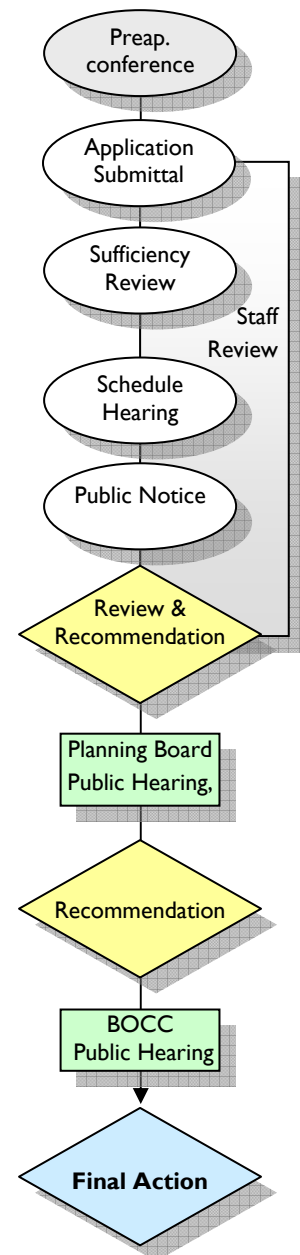
All applications for a rezoning shall be submitted in accordance with Section 3.1.3, Application Requirements.

3.3.6. Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with Section 3.1.4, Notice and Public Hearings.

3.3.7. Action by Zoning Administrator

- A. The Zoning Administrator shall prepare a staff report that reviews the rezoning request in light of any applicable plans and the general requirements of this Ordinance. The staff report shall consider the entire range of permitted uses in the requested classification regardless of any representations made that the use will be limited, unless a development plan is submitted that restricts the permitted range of uses to specific uses.



- B. Following completion of technical review by staff, the Zoning Administrator shall forward the completed request and any related materials to the Planning Board for a hearing and recommendation.
- C. Following Planning Board review, the Zoning Administrator shall forward the completed rezoning request and any related materials, including the Planning Board recommendation, to the Board of County Commissioners for final action.

3.3.8. Action by Planning Board

A. Procedure

The Planning Board shall make a recommendation on the application to the Board of County Commissioners. If the Planning Board fails to make a recommendation within 60 days, the Board of County Commissioners may process the request without a recommendation.

B. Review Criteria

In making recommendations, the Planning Board shall consider the following matters:

1. Consistency with any adopted land use plans, including the Comprehensive Plan and the CAMA Land Use Plan;
2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
3. Suitability of the subject property for uses permitted by the current district versus the proposed district;
4. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the County; and
5. The availability of adequate school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed use.

3.3.9. Action by Board of County Commissioners

A. Procedure

1. Before taking action on a rezoning, the Board of County Commissioners shall consider the recommendations of the Planning Board and Zoning Administrator.
2. The Board of County Commissioners may approve the rezoning, deny the rezoning, or send the rezoning back to the Zoning Administrator for additional consideration.

B. Approval Criteria

In approving a rezoning, the Board of County Commissioners shall consider the following matters:

1. The rezoning is in agreement with the Comprehensive Plan and the CAMA Land Use Plan and any applicable local area plans;
2. It has been determined that the legal purposes for which zoning exists are not contravened;
3. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

3.3 Rezoning

3.3.10. Withdrawal of Zoning Application

- A. An applicant may withdraw a rezoning application at any time, by filing a statement of withdrawal with the Zoning Administrator.
- B. The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.

3.3.11. Resubmission of Application

- A. Upon final action by the Board of Commissioners to deny or approve an application for the rezoning of a piece of property, the Planning Board shall not review any applications for changes affecting the same property or any portion thereof until the expiration of one year from the date of such previous action except as provided as follows:
- B. The Zoning Administrator may allow re-submission of such petition within one year period if it is determined that, since the date of action on the prior petition:
 - 1. There has been a significant change in the zoning district classification of an adjacent piece of property.
 - 2. The Board of Commissioners has adopted a plan that changes public policy regarding how the property affected by the amendment should be developed.
 - 3. Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and can comfortably accommodate the intensity of development allowed under the proposed classification.
 - 4. There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one year restriction on a new position; this, however, shall not include a change in the ownership of the subject property.

3.3.12. Coordination with Site Plans

Approval of a rezoning with a development plan shall enable the owner or an authorized agent of the owner to prepare a site plan in conformance with the rezoning and development plan for the property. The site plan may be prepared for the entire property or phases of the development project in accordance with Section 3.6, Site Plan Review.

3.3.13. Period of Validity

- A. An approved rezoning shall run with the property and shall be valid until the Official Zoning Map is subsequently amended.
- B. A development plan approved as part of a rezoning runs with the property. In the absence of a statutory vested rights determination, the ability to develop at the maximum intensity shown on an approved development plan shall be secured only upon submission and approval of site plans or other administrative approvals required under this Ordinance. Upon the approval of site plans and similar plans, development may be carried out for the portions of the development plan that have received administrative approval in accordance with the validity and expiration provisions set forth in this Ordinance. This section shall not be considered to limit the ability of the County to adopt environmental ordinances or other ordinances that meet an immediate health, safety, or environmental need, or are passed in compliance with State or federal mandates, whether adopted as part of this Ordinance or outside of this Ordinance.

3.4 VARIANCE

3.4.1. Applicability

- A. The approving authority may vary certain requirements of this Ordinance, in harmony with the general purpose of these regulations, where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in a hardship in making reasonable use of the property.
- B. The approving authority may grant variances in the following special circumstances, as indicated elsewhere in this Ordinance:
- C. The approving authority may waive certain requirements when authorized to do so by provisions adopted as a part of this Ordinance.
- D. No variance shall be permitted that would have the effect of allowing a use not permitted in the use table of Section 7.2.4.
- E. No variance shall be permitted that would allow a project to exceed the maximum density as to number of dwelling units to the acre in a Zoning District.

Commentary: Variances may be granted for, among other things, height, structure size, lot dimensions, and setbacks.

3.4.2. Approving Authority

The Planning Board shall be the approving authority for applications for a variance of the regulations of Section 3.5, Subdivision Review.

- A. The Board of County Commissioners shall be the approving authority for applications for a variance of the regulations of Section 3.15.8, Stormwater Permit [Editor's note: this may be removed if stormwater is removed from ordinance].
- B. The Zoning Board of Adjustment shall be the approving authority for all other requirements.

3.4.3. Pre-Application Conference

All applicants seeking a variance shall schedule a pre-application conference with the Zoning Administrator to discuss the procedures, standards, and regulations required for variance approval in accordance to the provisions of this Ordinance.

3.4.4. Application Requirements

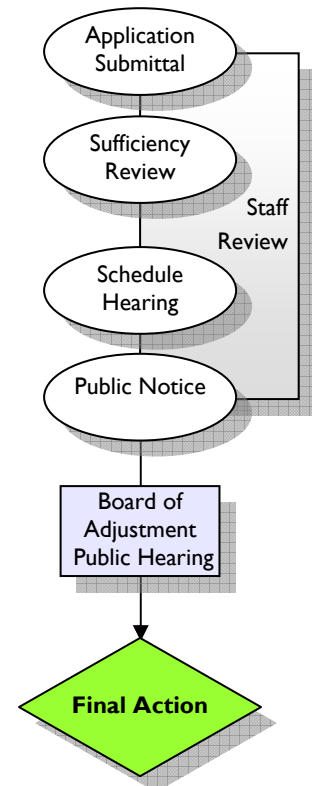
An application for a variance shall be submitted in accordance with Section 3.1.3, Application Requirements.

3.4.5. Notice and Public Hearings

Once the application has been determined complete, the Zoning administrator shall schedule a public hearing and give public notice as forth in Section 3.1.4.

3.4.6. Burden of Proof

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the approving authority to reach the conclusions set forth below (Findings), as well as the burden of persuasion on those issues.



3.4 Variance

3.4.7. Action by the Zoning Administrator

The Zoning Administrator shall provide the approving authority with a copy of the application and all relevant materials pertaining to the request prior to the public hearing.

3.4.8. Action by the Approving Authority

- A. Each decision shall be accompanied by a finding of fact by the approving authority which specifies the reasons for the decision.
- B. A decision of the approving authority to approve a variance or reverse an interpretation requires an affirmative vote by [a majority?] of the members present and voting.
- C. The approving authority may approve the request, deny the request, or continue the request. In approving the variance, the approving authority may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood.

3.4.9. Findings

- A. In granting any variance, the approving authority shall make the following findings:
 - 1. That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;
 - 2. That the special conditions or circumstances or practical difficulties do not result from the actions of the property owner or applicant, their agent, employee, or contractor. Errors made by such persons in the development, construction, siting or marketing process shall not be grounds for a variance except in cases where a foundation survey submitted to the Building Official before a contractor proceeds beyond the foundation stage has not revealed an error which is discovered later;
 - 3. That the strict enforcement of this Ordinance would deprive the owner or applicant of reasonable use of the property that is substantially consistent with the intent of this Ordinance;
 - 4. That the granting of a variance will not result in advantages or special privileges to the applicant or property owner that this Ordinance denies to other land, structures, or uses in the same district, and it is the minimum variance necessary to provide relief;
 - 5. That the variance shall not be materially detrimental to the health, safety or welfare of persons residing or working in the neighborhood. Consideration of the effects of the variance shall include but not be limited to, increases in activity, noise, or traffic resulting from any expansion of uses allowed by the variance;
 - 6. That the proposed use and the appearance of any proposed addition or alteration will be compatible with, and not negatively impact, nearby properties; and
 - 7. That the variance will not result in the expansion of a nonconforming use.
- B. In making the findings above, the approving authority may give special weight to the number and percentage of nearby properties that share characteristics for which the variance is requested by the applicant. The approving authority may grant a variance to expand an existing structure, including the expansion of a nonconforming feature that would otherwise be disallowed under Article 4, Nonconformities, without making findings A.1 and A.4 above if the remaining findings can be made.

3.5 SUBDIVISION

3.5.1. Applicability

Subdivision approval shall be required before the division of land (for any purpose) into two or more parcels, except as expressly exempted below.

3.5.2. Activities Eligible for Waiver

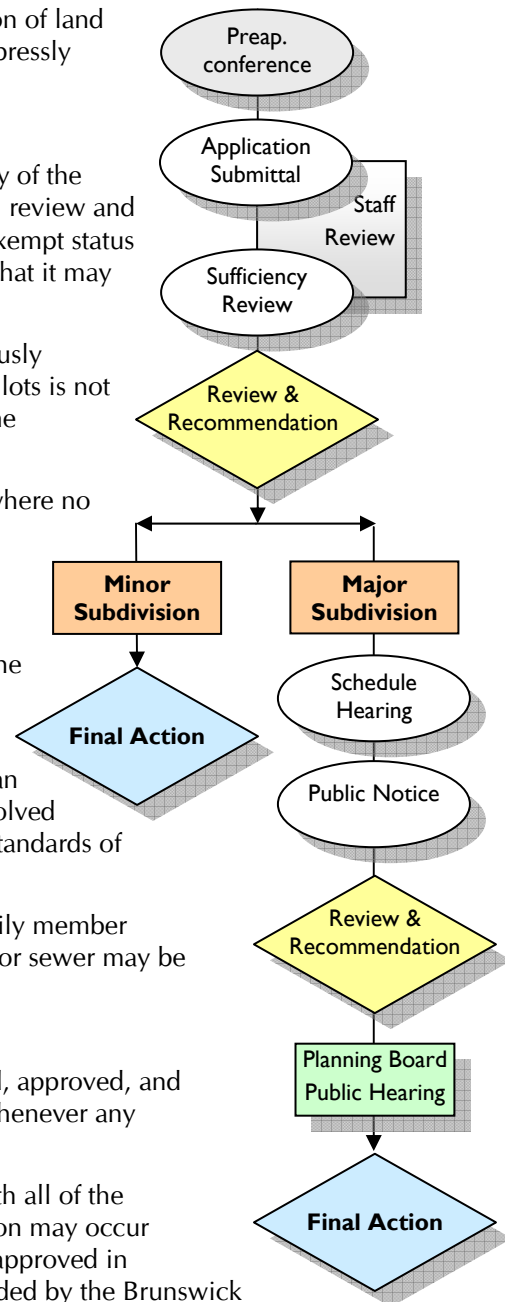
The Planning Director may grant a waiver exempting any of the following activities from the requirement for Subdivision review and approval. However, Planning Director certification of exempt status must be indicated prominently on the approved plat so that it may be recorded with the Register of Deeds.

- A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resulting lots are equal to or exceed the standards of this Ordinance;
- B. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- C. The public acquisition by purchase of strips of land for water or sewer infrastructure;
- D. The public acquisition by purchase of strips of land for the widening or opening of streets;
- E. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance.
- F. Subdivision activity for transfer to a family member (family member transfer), provided that connections to public water and or sewer may be required prior to plat approval.

3.5.3. No Subdivision without Plat Approval

Pursuant to G.S. 153A-330, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place in Brunswick County.

- A. No person may subdivide land except in accordance with all of the provisions of this Ordinance. In particular, no subdivision may occur unless and until a final plat of the subdivision has been approved in accordance with the provisions of this section and recorded by the Brunswick County Register of Deeds.
- B. The Brunswick County Register of Deeds shall not record a plat of any subdivision within the County's planning jurisdiction unless the plat has been approved in accordance with the provisions of this Ordinance.
- C. Not all divisions of land constitute subdivisions that are subject to regulation under this Ordinance. However, to ensure that such divisions are in fact exempt from the requirements of this Ordinance,



3.5 Subdivision

all plats creating a division of land shall be presented to the Planning Department before recordation in the Brunswick County Registry and the Planning Director shall indicate on the face of the plat that the division is exempt from the provisions of this Ordinance if that is the case.

3.5.4. Unlawful to Record Plat without Plat Approval

Pursuant to G.S. 153A-331, no final plat of a subdivision within the jurisdiction of Brunswick County shall be recorded by the Register of Deeds of Brunswick County until it has been approved by the Planning Director or designee or by the County Planning Board pursuant to the procedures established in this Section.

3.5.5. Delegation of Authority

The Board of County Commissioners shall delegate review and approval authority for all minor plats and final plats to the Planning Director, with review by the Technical Review Committee.

3.5.6. Definitions**A. Minor Subdivision**

A minor subdivision is any subdivision activity that creates no more than five lots (including the original lot) or involves the platting of no more than five residential units (including condominiums). Certain subdivision activities may be eligible for a waiver (see Section 3.5.2).

B. Major Subdivision

All other divisions of land not exempted in Section 3.5.2, Activities Eligible for Waiver, or listed in paragraph A, above shall be considered major subdivisions.

3.5.7. Pre-Application Conference and Sketch Plan

A. All applicants seeking subdivision approval shall schedule a pre-application conference with the Planning Director, in accordance with Section 3.1.1.

B. At the time of the pre-application conference, applicants shall submit a sketch plan for review by the Planning Director. This plan should, in simple sketch form, show the proposed layout of streets, lots and other features in relation to existing conditions.

3.5.8. Application Requirements

A. All applications for subdivision review shall be submitted in accordance with Section 3.1.3, Application Requirements and any specific requirements listed in Appendix A. In addition, all applications for major subdivision shall submit electronic versions of surveyor's files for both preliminary plat and final plat. Files shall be in the North Carolina State Plane, NAD 1983, feet coordinate system and may be in ".shp", ".dwg", or ".dxf" format.

B. A Transportation Impact Assessment may be required if the proposed subdivision meets the thresholds established in Section 3.6, Transportation Impact Assessment.

3.5.9. Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with Section 3.1.4, Notice and Public Hearings.

3.5.10. Minor Plat Approval**A. Applicability**

1. Minor plat approval shall apply only to minor subdivisions as defined in paragraph 3.5.6.A above.

2. The procedures for approval of minor subdivisions are intended to simplify processing of routine small subdivisions with due regard to protection of the public interest. The difference between the minor and major subdivision processes is that minor subdivisions do not require a preliminary plat.
3. There shall be only one minor subdivision approved on any original tax parcel in any three-year period. This division shall not apply to minor subdivisions for which the following conditions are met:
 - i. The owner and grantee certify that the grantee of each lot is the child or child and spouse, or grandchild and spouse of the owner;
 - ii. The owner and grantee certify that no consideration shall be paid for any of the lots;
 - iii. The owner and grantee certify that the purpose of the minor subdivision is not to circumvent the provisions of this Ordinance, and that none of the lots shall be conveyed to third parties for a period of not less than three years, and that the record plat shall indicate same.
 - iv. Failure of any person to comply with the provisions of paragraphs i, ii and iii above shall be in violation of this Ordinance, and all of the remedies available in G.S. 153A-331 shall apply.
4. After completion of a pre-application conference and sketch plan review, the applicant may apply directly for approval of a final plat.
5. A minor subdivision plat shall only be approved when it meets all of the approval criteria in paragraph 3.5.12.I, below.

B. Procedure**1. Staff Consultation**

- i. Applicants petitioning for minor subdivision plat approval shall meet with the Planning Director and submit a sketch plan in accordance with paragraph 3.5.7 above for a determination of whether the approval process authorized by this Section can be used.
- ii. The Planning Director may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots created out of that tract of land within the previous five years.

2. Action by Planning Director

- i. The Planning Director shall refer the minor plat application to Engineering Services for consideration and recommendation. Engineering Services shall provide comments to the Planning Director on the application.
- ii. Following Engineering Services review, the Planning Director may approve or deny the application. Reasons for decision shall be transmitted in writing to the applicant.

C. Final Plat

A final plat for a minor subdivision shall be approved in accordance with paragraph 3.5.12, below.

3.5.11. Preliminary Plat Approval (Major Subdivisions Only)**A. Applicability**

A preliminary plat shall be required for all subdivisions that do not meet the definition of a minor subdivision set forth in paragraph 3.5.6.A above.

3.5 Subdivision**B. Staff Consultation**

Prior to submitting a preliminary plat, the applicant shall meet with the Planning Director and submit a sketch plan in accordance with paragraph 3.5.7 above.

C. Application Requirements

1. Applications for preliminary plat approval shall be submitted in conformance with Section 3.4.4, Application Requirements, and specific requirements for Major Subdivision- Preliminary Plat Applications which may be found in the Appendix.
2. When a subdivision is to be developed in stages, a master plan shall be submitted for the entire development and a preliminary plat shall be submitted for each individual stage. A final plat is submitted for individual stages as each stage is developed. Each new stage shall be developed adjacent to an earlier stage.
3. An approximate delineation of wetlands at preliminary plat stage and surveyed delineation of Federally regulated wetlands at final plat stage are required in major subdivisions. Staff shall receive documentation from the Corps of Engineer of wetland delineation to go in file.

D. Plat Review by Other Agencies

The following agencies shall be given an opportunity to review and make recommendations concerning the proposed plat as needed:

1. County Superintendent of Schools.
2. County Health Department.
3. State Department of Transportation District Engineer.
4. State Department of Natural Resources and Community Development.
5. State Department of Insurance.
6. Other agencies and officials as the Planning Director or Planning Board may deem necessary or desirable.

E. Action by Planning Director

1. Applications for preliminary plat approval shall be submitted to the Planning Director.
2. Upon receipt of a completed application, the Planning Director shall distribute the application to the Technical Review Committee for review and comment (see F, below).
3. The Planning Director shall prepare a staff report based on the comments provided by the Technical Review Committee. The report and Planning Director's recommendation shall be forwarded to the Planning Board for final action at the next available public hearing.
4. The Planning Director shall provide notice of the hearing as required in Section 3.1.4, Notice and Public Hearings.
5. The applicant may appeal an application to the Planning Board if final administrative review and recommendation has not been completed by the expiration of the revised application review period.

F. Action by Technical Review Committee

1. The Technical Review Committee shall review the preliminary plat and associated application documents for conformance with the requirements of this Ordinance in accordance with the published review schedule.

2. Upon completion of the review period, the Technical Review Committee shall provide written comments to the applicant stating any corrections or modifications that may be required.
3. The Technical Review Committee may meet with the applicant and discuss any modifications or corrections in development design that may be required, based on the recommendations made by members of the Technical Review Committee.
4. The applicant shall have 30 days to make corrections and return the revised application to the Planning Director. The applicant may apply for an extension of this review period by written request to the Planning Director, provided that such request shall be received prior to the expiration of the 30-day period.
5. Within ten days of receipt of a revised application, the Technical Review Committee shall review the revised application for satisfactory completion of all required corrections and shall make a recommendation to approve, approve with conditions, or deny the application. The application and associated comments shall then be then returned to the Planning Director.

G. Action by Planning Board

1. The Planning Board shall take final action on the preliminary plat application after review and recommendation by the Planning Director and Technical Review Committee. Applications that have not received final administrative review and recommendation shall be deemed recommended for denial.
2. The preliminary plat shall be considered by the Planning Board at the next available hearing.
3. Findings of fact shall be made by the Planning Board that are based on sworn evidence or testimony presented at the meeting and recommendations provided by the Planning Director. Such evidence or testimony must be relevant, material, and competent.
4. The Planning Board may approve the preliminary plat, approve the preliminary plat with conditions, deny the preliminary plat, or return the preliminary plat to the Planning Director for additional consideration.
5. A simple majority of all eligible voting members of the Planning Board shall be necessary for approval of any preliminary plat. The Planning Board's minutes shall include identification of each member present on their vote on the preliminary plat. No final action shall be deemed to have been given by the Planning Board on the preliminary plat until the Planning Board's written decision on the preliminary plat is delivered to the applicant by the County.
6. If the Planning Board should deny the preliminary plat, the reasons for such action shall be given to the subdivider, or their agent, along with recommendations for changes in the plat.

H. Effect of Preliminary Plat Approval

1. Approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat, nor shall it constitute approval of portions of a subdivision to be developed in future phases or stages that have not been reviewed in conformance with this Section. Application for approval of the final (recorded) plat (see Section 3.5.12, below) will be considered only after the requirements for final plat approval as specified below have been fulfilled and after all other specified conditions have been met.
2. Upon approval of the preliminary subdivision plat, the subdivider may proceed to comply with the other requirements of these regulations, including construction plan approval, preparation of the final subdivision plat, and all other required approvals and permits.

I. Duration of Preliminary Plat Validity

An approved preliminary plat shall remain valid for a period of **XX** (two?) years after which time the

3.5 Subdivision

preliminary plat shall become invalid and must be resubmitted as a new application in conformance with all applicable requirements of this Ordinance at the time of reapplication.

J. Modifications to an Approved Preliminary Plat

1. Limited changes to an approved preliminary plat may be approved by the Planning Director administratively. In granting such approval, the Planning Director may consult with the Technical Review Committee. Administrative approval of limited modifications shall not have the effect of extending the period of preliminary plat validity.
2. Significant changes to an approved preliminary plat shall be resubmitted for review and approval as a new application.

3.5.12. Final Plat Approval (Major and Minor Subdivisions)**A. Applicability**

1. A final plat shall be required for all subdivision of land in the planning jurisdiction of Brunswick County.
2. The final plat shall constitute only that portion of the approved preliminary plat (if required) that the subdivider proposes to record and develop at the time of submission. After the improvements shown on the approved preliminary plat have been installed, or guaranteed, for the whole or portion of a subdivision, the applicant shall submit a final plat of the area covered by such improvements.

B. Conformance with Preliminary Plat

The final plat shall conform to the approved preliminary plat, as revised, and may constitute only that portion of the preliminary plat which is proposed for recordation.

C. Application Requirements

1. All applications for final plat approval shall be submitted in accordance with Section 3.1.3, Application Requirements and any specific requirements provided by the Planning Director.
2. The final plat shall be prepared by a land surveyor registered to practice in North Carolina, and such registration shall be notarized on the final plat. All final plats to be recorded by the Brunswick County Register of Deeds shall be probated and shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 as amended, and the Standards of Practice for Land Surveying in North Carolina.

D. Provision of Improvement Guarantees

Where the required improvements have not been completed prior to the submission of the final plat, the Planning Board may accept from the subdivider a bond with surety or other guarantees satisfactory to the County in an amount equal to 125% of the cost of the installation of the required improvements, whereby improvements may be made and utilities installed without cost to the County in the event of default by the subdivider. One of the methods described in Section 3.5.13, Improvement Guarantees shall be used by the subdivider to guarantee the installation of said improvements.

E. Action by the Planning Director

1. Upon receipt of a completed application, the Planning Director shall review the application for conformance with the applicable approval criteria listed in Section 3.5.12.I. In performing such review, the Planning Director may consult with the Technical Review Committee or other applicable review entities. The Planning Director shall take final action within 30 days. However, this time period may be extended upon written request to the applicant if the Director finds that extensive corrections are necessary.

2. If the final plat for a subdivision is in compliance with the applicable approval criteria listed in Section 3.5.12.I, the Planning Director shall approve the final plat. This approval, and all other required endorsements (see F, below) shall be noted on the original and three copies of the final plat. The original shall be returned to the subdivider. One copy shall be transmitted to the Brunswick County Health Department, one copy shall be transmitted to Engineering and Utilities, and one copy shall be retained for the permanent files of the Planning Board. The approval shall grant the subdivider authority to record the subdivision plat and to begin the sale of lots.
3. If the final plat is not in compliance, the reasons for disapproval and conditions to be met before approval of the final plat shall be noted on two copies of the proposed final plat. One copy shall be returned to the subdivider and one copy shall be retained for the Planning Board's records.

F. Required Endorsements

The following endorsements shall be prominently located on all copies of an approved final plat (see Appendix A for required certification language):

1. Certificate of Survey and Accuracy;
2. Brunswick County Plat Review Officer's Certificate; and
3. When required by the federal government, all final plats shall contain a Certificate for a Federally Funded Project; and
4. Certificate of Approval by the Planning Director, to read as follows:

I hereby certify that the subdivision plat shown hereon has been found to comply with the ~~Subdivision Regulations~~ Unified Development Ordinance of Brunswick County, with any variances(if applicable) noted in the minutes of the Brunswick County Planning Board, that all easements, shown hereon, are accepted by Brunswick County, subject to approval by the N.C. Department of Transportation which assumes no responsibility to open or maintain the same, and that this map has been approved for recording in the office of the Brunswick County Register of Deeds.

Planning Director or Designee

Date

Approval expires if not recorded on or before _____ (date) and must be submitted for reapproval.

G. Appeal

1. The applicant may appeal Planning Director action on a final plat to the Planning Board in accordance with Section 3.10, Appeal of Administrative Decision. The applicant shall notify the Planning Director in writing of his/her intent to appeal, within ten days of the denial. The Planning Director shall place the appeal on the next available Planning Board agenda.
2. If the final plat is denied by the Planning Board, the applicant may appeal to the Board of Commissioners. Any appeal to the Board of Commissioners must be taken within 30 days after the decision of the Planning Board is filed in the Planning office, or after a written copy of the decision is mailed to the appellant by registered mail return receipt requested, whichever is later. Such appeal shall be for the Board of Commissioners to determine if the Planning Board correctly applied the subdivision ordinance to the subdivision request.

3.5 Subdivision

H. Effect of Denial

The subdivider shall have six months from the time of final notification of denial by the Planning Board to submit a revised final plat. If the revised final plat is not received by the planning staff within six months, the approved preliminary plat shall be null and void.

I. Final Plat Approval Criteria

1. Minor Subdivision

Minor subdivision plats shall be approved only when the Planning Director, after Technical Review Committee review, finds that all of the following conditions exist:

- i. The plat complies with the standards of Article 10, Subdivision Standards, and any other applicable requirements of this Ordinance;
- ii. The plat indicates that all subject lots will have frontage on existing approved streets;
- iii. New or residual parcels conform to the requirements of this Ordinance and other applicable regulations;
- iv. No new streets are required or are likely to be required for access to interior property;
- v. The proposed subdivision will not adversely effect permissible development of the remainder of the parcel or of adjoining property;
- vi. All necessary drainage easements have been provided; and
- vii. All required endorsements and certifications have been obtained.

2. Major Subdivision

Major subdivision plats shall be approved only when the Planning Director, upon Technical Review Committee recommendation, finds that all of the following conditions exist:

- i. The plat substantially complies with the approved preliminary plat.
- ii. The plat complies with the standards of Article 10, Subdivision Standards, and the other applicable requirements of this Ordinance;
- iii. New and residual parcels will conform to the requirements of this Ordinance and other applicable regulations;
- iv. The proposed subdivision will not adversely affect permissible development of the remainder of the parcel or of adjoining property;
- v. All necessary right-of-way has been offered for reservation or dedication;
- vi. All necessary drainage easements have been provided; and
- vii. All required endorsements and certifications have been obtained.

J. Expiration of Final Plat Approval/Recordation Required

1. Approved final plats shall be recorded with the Brunswick County Register of Deeds within six months from the date of approval.
2. If the final plat is not recorded within this period, it shall expire. The plat may be resubmitted for review and it shall be reviewed against the ordinance in effect at that time.

K. Limitations of Final Plat Approval

The approval of a final plat pursuant to regulations adopted under this article shall not constitute or affect the acceptance by the County or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. Public roads must be accepted by the North Carolina Department of Transportation.

3.5.13. Improvement Guarantees

A. Agreement and Security Required

In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the County may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements, with the exception of electric utilities. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Planning Board, if all other requirements of this Ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the Director of Engineering Services, either one or a combination of the following guarantees not exceeding 125% of the entire cost as provided herein:

1. Surety Performance Bond(s)

The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to Brunswick County and shall be equal to, either alone or in combination with any other surety discussed in this section, to a total amount equal to 125% of the entire cost, as estimated by the subdivider and approved by the Director of Engineering Services, of installing all required improvements, with the exception of electric utilities. The duration of the bond(s) shall be until such time as the improvements are accepted by the County of Brunswick.

2. Security

The subdivider shall deposit an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of the County. The amount of the deposit shall be equal to, either alone or in combination with any other security discussed in this section, to a total amount equal to 125% of the cost, as estimated by the subdivider and approved by the Director of Engineering Services of installing all required improvements, with the exception of electric utilities. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Director of Engineer Services an agreement between the financial institution and himself guaranteeing the following:

- i. That said escrow account shall be held in trust until released by the Planning Board and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
- ii. That in the case of failure on the part of the subdivider to complete said improvements the financial institution shall, upon notification by the Planning Board and submission by the Planning Board to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the County the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

3. Certification of Electric Utilities

A written statement by the utility company, authorized to serve the subdivision, stating their commitment to install electric utilities with projected completion dates may be accepted in lieu of guarantees set forth in paragraphs 1 and 2 of this section.

B. Default

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account shall pay all or any portion of the bond or escrow fund to Brunswick County up to the amount needed to complete the improvements based on

3.5 Subdivision

an engineering estimate. Upon payment, the County may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements.

C. Release of Guarantee Security

The Director of Engineering Services may release a portion of any security posted as the improvements are completed.

D. Maintenance Bond

1. The County shall require a bond guaranteeing utility taps, curbs, gutters, sidewalks, drainage facilities, water and sewer lines, and other improvements against defects for one year. This bond shall be in the amount determined by the Director of Engineering Services and shall be made by a surety company authorized to do business in North Carolina.
2. The Director of Engineering Services shall secure from all subdividers a letter in which said subdivider shall agree to maintain the backfill and improvements located thereon and therein and any ditch or drain tile which has been dug or installed in connection with the installation of such improvements. Such letter shall be binding on the subdivider for a period of one year after acceptance of such improvement by the Director of Engineering Services.
3. The subdivider shall notify all future buyers of the nature, extent, and location of these improvements and shall include such notice as a part of the written sales transaction. Likewise, the subdivider shall also retain responsibility for maintenance of such improvements on all such lands until sale thereof is made.

3.5.14. Resubdivision Procedures

For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision submittal.

3.6 SITE PLAN

3.6.1. Applicability

- A. All proposed development, except for single-family and two-family development on individual lots shall be subject to the site plan review process.
- B. Temporary uses may require site plan review (Section 3.15.4, Temporary Use Permit).
- C. Any use requiring a special exception permit shall be subject to site plan review (see Section 3.9, Special Exception Permit).

3.6.2. Types of Site Plans

There shall be types of site plans with differing levels of approval required for each. The criteria for establishing which type of site plan and the corresponding level of approval for each are indicated below.

A. Minor Site Plan

1. Criteria

- i. The following shall be reviewed as a minor site plan:
 - (a) Parking lot expansions where there is no increase in floor area;
 - (b) Accessory uses in commercial districts; and
 - (c) Recreational uses in approved subdivisions.
- ii. Projects shall also be reviewed as a minor site plan where they:
 - (a) Do not involve multi-family dwelling units;
 - (b) Do not involve the development of more than 25 residential units or 25,000 square feet of nonresidential space;
 - (c) Do not require a Transportation Impact Assessment in accordance with Section 3.12, Transportation Impact Assessment;
 - (d) Do not require modification of the standards established in this Ordinance other than those which the Planning Director may modify administratively; and
 - (e) Do not involve the issuance of a special exception permit.

2. Approving Authority

The Planning Director shall be responsible for final action regarding a minor site plan.

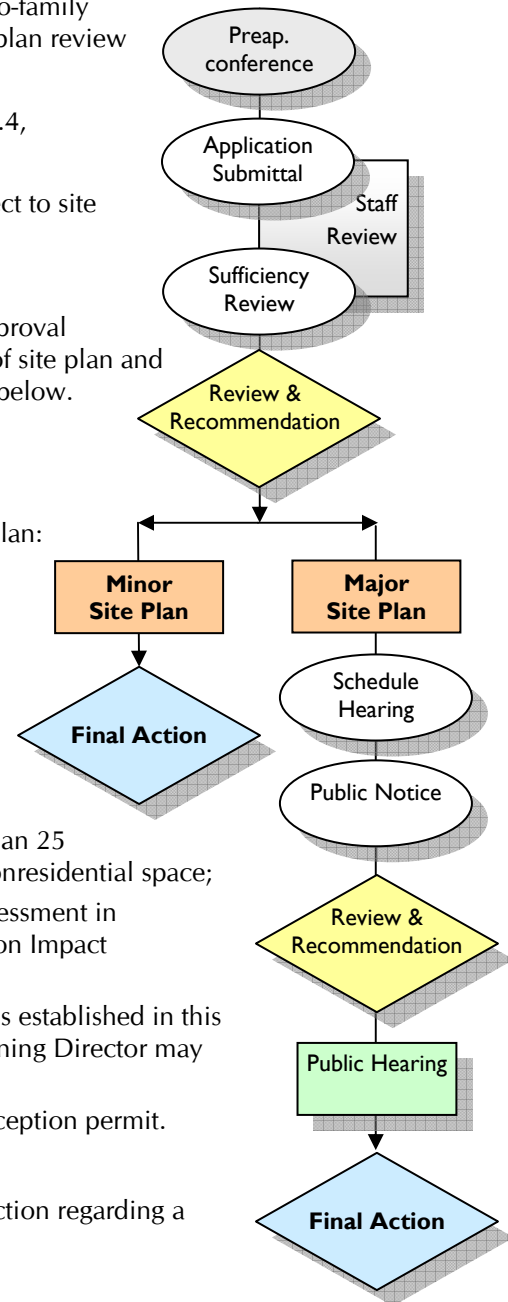
B. Major Site Plans

1. Criteria

Any development requiring site plan approval that is not listed in paragraph 1 above as a minor site plan shall be considered a major site plan.

2. Approval Authority

The Planning Board shall be responsible for final action regarding all major site plan



3.6 Site Plan

applications with the exception of applications requiring special exception review, which shall be taken by the Board of Adjustment.

3.6.3. Pre-Application Conference

All applicants seeking site plan approval shall schedule a pre-application conference with the Planning Director, in accordance with Section 3.1.1.

3.6.4. Neighborhood Meeting

All applicants seeking approval of a major site plan are encouraged hold a neighborhood meeting in accordance with Section 3.1.2.

3.6.5. Application Requirements

*Editor's note: Proposed requirement that **all** applications must include electronic drawing files.*

- A. An application for site plan review shall be submitted in accordance with Section 3.1.3, Application Requirements. In addition, applicants shall submit electronic versions of surveyor's files. Files shall be in the North Carolina State Plane, NAD 1983, feet coordinate system and may be in ".shp", ".dwg", or ".dxf" format.
- B. A Transportation Impact Assessment may be required if the proposed site plan meets the thresholds established in Section 3.12, Transportation Impact Assessment.

3.6.6. Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with Section 3.1.4, Notice and Public Hearings.

3.6.7. Action by Planning Director

A. All Site Plans

Upon receipt of a completed application, the Planning Director, in consultation with the Technical Review Committee, shall review all site plans for conformance with the approval criteria found in Section 3.6.10. In addition, the Planning Director may consult with any County or state official if the need arises.

B. Minor Site Plan

The Planning Director may approve, approve with conditions, or disapprove a minor site plan, or refer the site plan to the Technical Review Committee for further consideration. Applications for minor site plan not receiving final action within X [45?] days may be deemed denied and the applicant may appeal the decision in conformance with Section 3.10, Appeal of Administrative Decision. Notification of Planning Director decision shall be transmitted to the applicant in writing.

C. Major Site Plan

1. The Planning Director shall prepare a staff report based on the comments provided by the Technical Review Committee. The staff report and recommendations shall be forwarded to the Planning Board or Board of Adjustment, as appropriate, for review and final action.
2. The Planning Director shall place the item on the next available agenda of the appropriate review body and give notice in accordance with Section 3.1.4, Notice and Public Hearings.

3.6.8. Action by the Planning Board

- A. Before taking action on a major site plan, the Planning Board shall consider the recommendations of the Planning Director and the Technical Review Committee.

- B. For applications which the Planning Board serves as the approving authority, the Planning Board may approve or disapprove the application, approve the application with conditions, or send the application back to the Planning Director for additional consideration.
- C. Notification of Board decision shall be transmitted to the applicant in writing.

3.6.9. Action by the Board of Adjustment

- A. Before taking action on a major site plan, the Board of Adjustment shall consider the recommendations of the Planning Director and the Technical Review Committee.
- B. For applications which the Board of Adjustment serves as the approving authority, the Board of Adjustment may approve or disapprove the application, approve the application with conditions, or send the application back to the Planning Director for additional consideration.
- C. Notification of Board decision shall be transmitted to the applicant in writing.

3.6.10. Approval Criteria

In approving an application, the reviewing entity shall consider the following:

- A. Compliance with all applicable requirements of this Ordinance;
- B. Agreement with the most recently adopted CAMA Land Use Plan, the Comprehensive Plan and any applicable local area plans
- C. Site design and development intensity is appropriate for and tailored to the unique natural characteristics of the site, such as significant wooded areas, specimen trees, wetlands, steep slopes, and floodplains;
- D. For nonresidential and multifamily projects, the site plan displays the location of trash handling, recycling, grease bins, and other waste-related facilities employed in the normal operation of the use;
- E. Adequacy and location of parking areas and pedestrian and vehicular access points;
- F. Adequacy of design of traffic patterns, traffic control measures and street pavement areas, with provisions for maintaining traffic flows and reducing unfavorable effects of traffic on nearby properties;
- G. Compliance with site construction specifications;
- H. Adequacy of stormwater facilities, water supply, sanitary sewer service, fire protection, street signs, and street lighting as evidenced by conformance with department standards, specifications and guidelines; and
- I. Compliance with requirements for easements or dedications.

3.6.11. Applications Receiving Conditional Approval

Site plans granted conditional approval shall be corrected and returned to the Planning Director within 90 days of notification of decision or the application shall be considered withdrawn. One 90 day extension period may be granted by written petition to the Planning Director prior to the expiration of the revision period.

3.6.12. Dedication and Improvements

- A. In the development of any property for which site plan approval is required, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the State for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property to NCDOT standards, and to install sidewalks in accordance with and requirements of Article 10, Subdivision Standards.

3.6 Site Plan

Editor's note: Proposed fee in lieu language

- B. The applicant shall bear the costs of the installation of all on-site improvements as required by this Ordinance, including provision for surface drainage, pavement, landscaping, and utilities. Any applicant required to install or construct off-site improvements pursuant to this Section may, with the approval of the Planning Director as a condition of site approval, and upon a determination by the Planning Director that such improvements are not necessary or desirable at the time, but will be needed in the future, make a payment in lieu of such improvements or part thereof. The amount of any such payment shall be an amount estimated by the County to be the actual and total installation and construction costs of such improvements. The amount paid for a given improvement shall be considered total and complete payment for the improvements considered, and will preclude any further assessment of the property in the event that the County elects to install such improvements at a later date. Full payment shall be made before any building permit or certificate of occupancy is issued for any use shown on the site plan.
- C. For all residential developments approved after [insert date], recreation and open space dedication, or payment of fee-in-lieu thereof in accordance with Article 10, Subdivision Standards shall be required.

3.6.13. Guarantees of Improvements

The following requirements shall apply to all site plans:

- A. Prior to the approval of any application, the applicant shall submit a cost estimate and time schedule for installation of each phase of the site improvements.
- B. The County shall require a bond guaranteeing required on-site and off-site improvements. This bond shall be in the amount determined by the County Manager. This bond shall be in cash, certified check, or be made by a bonding/insurance company authorized to do business in North Carolina.
- C. As each phase of improvements is installed and inspected by the County, the bond amount will be reduced by the costs of the installed improvements.
- D. In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the bond guaranteeing improvements shall be retained by the County until the remaining required improvements are completed.

3.6.14. Inspections of Required Improvements

Inspections during the installation of site improvements shall be made by the entity responsible for such improvements as required to certify compliance with approved site plans. No improvements shall be accepted for maintenance by the County unless and until the requirements regarding public improvements have been met.

3.6.15. Site Plan Amendments

- A. Minor changes to the approved site plan, such as those resulting from field conditions or which result in an equivalent or better performance may be approved by the Planning Director in conjunction with the Building Official.
- B. Significant changes to the approved site plan, as determined by the Planning Director shall be resubmitted for review and approval by the approving authority as if they were a new application.

3.6.16. Expiration of Approval

An approved site plan shall expire two years from the date of approval unless the proposed development is pursued as set forth below:

- A. A complete building permit application has been submitted and remains valid; or

- B. Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within two years from the date that site plan approval is granted. Each subsequent application shall be submitted within 180 days from the date of recordation. Subsequent recordation shall have the effect of renewing the 180-day time period.

3.6.17. Building Permit/Certificate of Occupancy

No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the appropriate County officials.

3.6.18. Appeal

- A. Final action on a minor site plan may be appealed to the Board of Adjustment in accordance with Section 3.10, Appeal of Administrative Decision.
- B. Final action on a major site plan may be appealed by filing a petition for certiorari with the Brunswick County Superior Court.

3.7 PLANNED UNIT DEVELOPMENT

3.7.1. Applicability

- A. All proposed developments utilizing a Planned Unit Development Zoning District or modifications to an approved Planned Unit Development shall be subject to the review and approval procedures found in this Section.
- B. Proposed developments utilizing the Alternative Subdivision (see Section 6.7.9) standards where “PUD Required” is indicated shall be subject to the review and approval procedures found in this Section.
- C. Additional review or permits, including a Transportation Impact Assessment may be required.

3.7.2. Pre-Application Conference

- A. All applicants seeking Planned Unit Development approval shall schedule a pre-application conference with the Planning Director, in accordance with Section 3.1.1. At the Pre-application conference, the Planning Director shall review the proposed concept plan
- B. Once the pre-application conference is complete, the applicant will prepare a Preliminary Master Plan of the entire Planned Unit Development. The Preliminary Master Plan will consist of both a preliminary site plan and a preliminary utilities plan.

3.7.3. Neighborhood Meeting

- A. All applicants seeking approval of a Planned Unit Development are encouraged to hold a neighborhood meeting in accordance with Section 3.1.2, Neighborhood Meeting.

*Editor's note: Proposed requirement that modifications to an existing PUD **require** a neighborhood meeting.*

- B. Applicants seeking approval of modifications, including expansions, to an existing Planned Unit Development shall be required to hold a neighborhood meeting.

3.7.4. Application Requirements

A. General

- 1. An application for site plan review shall be submitted in accordance with Section 3.1.3, Application Requirements.
- 2. A Transportation Impact Assessment may be required if the proposed site plan meets the thresholds established in Section 3.12, Transportation Impact Assessment.

B. Concept Plan

At minimum, the concept plan should contain the following information in schematic form:

- 1. The location and size of the area involved.
- 2. The current zoning of the surrounding properties.
- 3. Location of existing waterways and other riparian areas, and other significant environmental features.
- 4. General layout of transportation routes including streets, pedestrian ways, and off street parking and loading areas.
- 5. Estimated population density and extent of activities to be allocated to parts of the project.
- 6. Reservations for public uses including schools, parks, and other open spaces.

7. The general means of the disposition of sanitary wastes and storm water.
8. A tabulation of the land area to be devoted to various uses and activities and overall densities.
9. If a project is to be developed in phases, a general breakdown showing the various phases and the estimated schedule of construction.

C. Preliminary Master Plan

1. Preliminary Master Plans must include, at minimum, major thoroughfares, acreage and development type (i.e., residential, commercial, open space) of each phase, vicinity map, density, Flood Zone(s) and proximity of nearest water and/or sewer main.
2. Recommendations and findings listed during the concept stage are preliminary only, subject to modification as a result of information provided during the Preliminary Master Plan Application Approval process for all or each phase(s) of development.
3. The applicant will complete and submit to the Planning Department the Preliminary Master Plan compliance sheet along with an application for a Special Exception Permit (see Section 3.9).
4. The Preliminary Master Plan will consist of and be labeled, at a minimum: major thoroughfares, cross-section of proposed road type(s), recreational space, golf courses, natural or man-made lakes, setbacks, residential areas (single family, multi-family, townhouses, etc...), vicinity map, drainage and topography, approximate delineation of wetlands (404 jurisdictional wetlands) by Corps of Engineers or certified designee, land dedication for public facilities (i.e., public safety facilities, schools, EMS) and acreage (if applicable), environmentally sensitive areas, north arrow, adjacent land owners, and commercial area. Other relevant information such as the total number of acres within the planned unit development, and the total number of residential and commercial units (broken down into various phases and acreage) should be included. A proposed timetable of each development phase should also be included.
5. The Preliminary Master Plan shall be accompanied with a preliminary utilities plan which consists of size and location of water and/or sewer lines, utility easements / rights-of-way, drainage and topography, location and/or type of solid waste disposal containers and shall be approved by the Director of Engineering Services and/or Public Utilities Director.
6. A mechanism and/or instrument guaranteeing adequate maintenance and continued operation of all assured open space and other private service facilities, shall be submitted as part of the Preliminary Master Plan requirement and then properly recorded upon Planning Board approval of the Preliminary Master Plan. Assured open space, and other facilities shall not be dedicated for public purpose or maintenance. However, NC DOT on-system roads within the PUD are excluded from this provision.

3.7.5. Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with Section 3.1.4, Notice and Public Hearings.

3.7.6. Approval Authority

- A. The Planning Director shall have approval authority for a Concept Plan.
- B. The Planning Board shall have approval authority for a Preliminary Master Plan
- C. The Planning Director shall have approval authority for a Final Master Plan where no significant modifications to the approved Preliminary Master Plan are required.

3.7.7. Action by Planning Director

A. Concept Plans

The Planning Director shall approve or deny all Concept Plans. In rendering a decision, the Planning Director may consult with the Technical Review Committee and/or any County or state official if the need arises. Final action on a Concept Plan shall be taken within 45 days of receipt of a completed application. Incomplete applications shall not be considered. One extension of 45 days may be obtained by submitting a written notice to the applicant. If final action is not taken within the required time, the Concept Plan shall be considered to be approved.

B. Preliminary Master Plan

1. Upon receipt of a completed Preliminary Master Plan application, the Planning Director shall undertake a preliminary review of the application.
2. Once the Planning Director completes preliminary review of the Preliminary Master Plan, the owner/applicant will then be required to present 15 copies of the Master Plan to the Planning Department for review by the Technical Review Committee (TRC), according to the published schedule of TRC meetings.
3. The Planning Director shall prepare a staff report based on the comments provided by staff and the Technical Review Committee. The report and recommendations shall be forwarded to the Planning Board for final action. The Planning Director shall schedule the Preliminary Master Plan on the next available Planning Board agenda.
4. The Planning Director will then inform the applicant/agent when they will appear on the Planning Board agenda for action on the Preliminary Master Plan application. The applicant will then be required to submit 15 copies of the Preliminary Plan for Planning Board review.

C. Final Master Plan

The Planning Director may approve a final master plan found to be in significant conformance with the approved preliminary master plan.

3.7.8. Action by the Technical Review Committee

- A.** Upon receipt of a Preliminary Master Plan application from the Planning Director, the TRC will hold a joint meeting between the respective County departments and applicant/agent to review both the Preliminary Master Plan and utilities plan.

3.7.9. Action by the Planning Board

The Planning Board may approve, approve with conditions, deny a Preliminary Master Plan, or send the Preliminary Master Plan back to the Planning Director for additional consideration.

3.7.10. Final Plan or Site Specific Plan Approval

The Planned Unit Development may be completed at once or in phases. It is the responsibility of the applicant or owner to present Site Specific Plans (in accordance with the approved Preliminary Master Plan) of each phase prior to development of the phase.

The Site Specific Plan shall be submitted to the Planning Director for approval. Streets, utilities, and drainage will be reviewed and approved by the Director of Engineering Services and shall conform with Master Plan (preliminary utility plans) according Section 3.7.4.C, above. If changes are proposed in the Site Specific Plan, said changes shall be reviewed and approved by the Director of Engineering Services and/or Public Utilities Director. The applicant/agent will be presented with a PUD compliance sheet to assist with the completing of the Site Specific Plan in a more accurate and efficient manner.

A. Site Specific Plan Requirements

If the proposed Planned Unit Development is to be completed in one initial phase, the applicant/owner may submit a Final Master Plan that contains all of the following mentioned elements of the Site Specific Plan. The Site Specific Plans are in more detail and must contain or provide evidence of the following information:

1. North point, full right-of-way of all abutting and intersecting streets, including curbs, and center line.
2. Scale, date, and legal description of the proposed site;
3. Location, dimensions and use of existing and proposed structures and parking areas;
4. Location and dimensions of proposed boundaries, setback lines, and easements, open space and recreational areas;
5. Landscaping, irrigation and sedimentation control plans;
6. Site data breakdowns in square footage for building coverage, paved areas, green areas, lake areas, commercial structures and the gross site area;
7. Specific identification of the size, number, and type of proposed units and offices, commercial or industrial usage, total acreage, total units and total density per acre;
8. Type and/or location of trash containers;
9. Elevations of building types, proposed walls, fences and bridges;
10. Evidence of all Federal and State approvals including approved wetlands delineation (404 jurisdictional wetlands);
11. Construction plans showing proposed location and size of streets, sidewalks, trafficways, sanitary sewers, water mains, culverts, retention ponds, drainage structures and other utilities. These plans shall include the existing location and size of the nearest street(s), sidewalk(s), sanitary sewer main(s), water main(s), drainage culvert(s) in which this Site Specific Plan will be tied to. These plans shall be approved by the Director of Engineering Services and/or Public Utilities Director, according to the County's Utility Policy.
12. Each phase of a multi-phase PUD shall be developed in acreage in accordance with Master Plan approval and shall not be subdivided and sold for development purposes.

B. Planning Director Review and Approval

1. The Planning Director shall review the Site Specific Plan application to ensure that all required elements are met.
2. Once the Site Specific Plan has received preliminary approval by the Planning Director, and all of the required elements for a Site Specific Plan are met, the applicant or owner shall submit 15 copies of the Site Specific Plan. The Planning Director shall distribute the application to the appropriate County Departments.
3. Land dedicated to and accepted by the County for the construction of public facilities (i.e., schools, parks, public safety facilities, etc.) must be noted and shown on the Site Specific Plan.
4. Once the Site Specific Plans have been received and reviewed by the appropriate County departments and the applicant has met all of the required elements of this Ordinance and any other applicable regulations, and density requirements, the Planning Director shall issue a final approval of the Site Specific Plan so that the applicant or owner may begin the process of having the proposed site plan recorded.

3.7 Planned Unit Development

5. If any modifications are made to the Site Specific Plan, the Planning Director will follow the specific conditions specified in Section 3.7.11 Amendments to Preliminary Master Plan and/or Site Specific Plan.
6. The applicant or owner shall complete these steps each time a new phase of a PUD is to be developed.

C. Recordation of Approved Plan

1. A survey on reproducible medium with the appropriate information will then be submitted so that the applicant or owner can record the plat with the Brunswick County Register of Deeds.
2. Financial Assurance Guarantees for each phase shall be approved and accepted prior to recordation of each phase.

3.7.11. Amendments to Preliminary Master Plans and/or Site Specific Plans

Any and all amendments to the Preliminary Master Plan and/or Site Specific Plans for the PUD shall be subject to the following review procedures:

A. Planning Director shall have the authority to approve:

1. Changes which result in a decrease in assigned density for a specific parcel, either residential or non-residential.
2. Change in land use designation from multi-family to single-family or a change from any other use to open space/passive recreation.
3. Change in major infrastructure features (i.e., roads/access, sewer, water, storm drainage) of the Master Plan area which are clearly beneficial to the occupants of the Master Plan area. The applicant requesting such change shall notify the property owners association that would be affected by the change of the request and ask that all comments be directed to the Planning Director. Proof of such notification shall be provided to the Planning Director. If the proposed changes affect the construction of roadways, water, sewer and/or stormwater infrastructure, the Planning Director shall notify the Director of Engineering Services of such changes. The Director of Engineering Services and/or Public Utilities Director shall review and approve said changes. If the Planning Director determines that the change does not have the support of the affected property owners association, the request may be referred to the Planning Board for review.

B. Planning Board approval is required for the following:

1. Change in major infrastructure features (i.e. roads/access, sewer, water, storm drainage) of the Master Plan area for a request which has been referred to the Planning Board by the Planning Director.
2. Applicants for Special Exception amendments to Master Plans shall submit all information as required for a Special Exception request. Once an amendment to a Master Plan is approved, the applicant shall provide to the Planning Board an amended copy of the Master Plan for the official record.
3. Change in Land Use Designation to increase density for an approved Concept Plan, Master Plan and/or Site Specific Plan.

3.8 DETERMINATION OF ZONING VESTED RIGHT

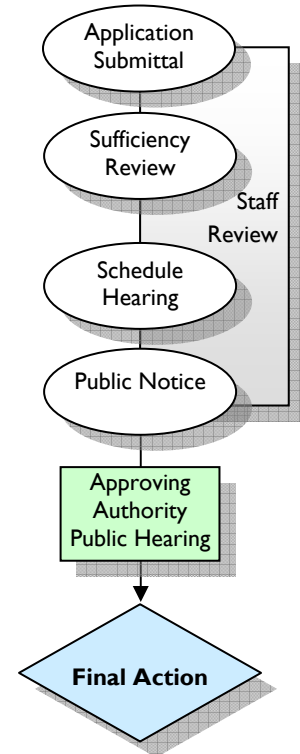
3.8.1. Establishment

A. With Special Exception Permit

1. Pursuant to N.C.G.S. Section 153A-344.1, Vesting Rights, as of the effective date of this Ordinance, a vested right to undertake and complete the development and use of property under the terms and conditions as approved pursuant to this Ordinance shall be established with respect to any property upon the approval of a Special Exception Permit for a site specific development plan or a phased development plan.
2. The approved plans and conditions for a Special Exception Permit constitute, for purposes of N.C.G.S. Section 153A-344.1, site specific development plans.

B. With Site Specific Development Plan

1. In order for a zoning vested right to be established upon approval of a site specific development plan, the applicant must indicate at the time of application, on a form to be provided by the County, that a zoning vested right is being sought.
2. Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan established a zoning vested right under N.C.G.S. Section 153A-344.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."



3.8.2. Application Requirements

- A. An application for vested rights determination shall be submitted in accordance with Section 3.9.4, Application Requirements. Applications shall include, at a minimum, the following information in addition to the standard information required:
1. Information on the proposed uses of the property that the applicant wishes to vest;
 2. The length of time for which vesting is requested;
 3. A listing of those provisions of this Ordinance from which vesting is requested;
 4. For projects zoned with a development plan, all information required under this Ordinance for a development plan; and
 5. For multi-phased projects zoned with a development plan seeking vesting for unbuilt phases of the development, the following additional information shall be required:
 6. Identification of the portions of the development plan for which vesting is requested;
 7. Indication of the impact on the ability of the project to proceed as originally approved if vesting is not granted; and,
 8. The proposed timetable for the construction of the phases of the project for which vesting is requested.

3.8 Determination of Zoning Vested Right

9. If the owner considers prior expenditures and economic impact to be relevant to the governing body's determination, then any economic information regarding expenditures shall be accompanied by information regarding benefits or profits realized resulting from phases of the development previously built.

- B. Landowners seeking zoning vested rights on plats, special exception permit applications, or other plans that would not normally receive site plan approval, may apply for vested rights protection through submittal of an application which contains the identical information, fee, and plans required for a complete site plan application and an additional fee for a vested rights public hearing.

3.8.3. Action by the Zoning Administrator

Once the application has been determined complete, the Zoning Administrator shall schedule a public hearing before the appropriate body, give public notice as set forth in Section 3.1.4, and forward a copy of the application with all related materials to the approving authority.

3.8.4. Action by the Approving Authority

- A. For the purposes of this Section, the Zoning Board of Adjustment shall be the approving authority for all applications seeking a Special Exception Permit with the exception of a Planned Unit Development. The Planning Board shall be the approving authority for a Planned Unit Development.
- B. The approving authority may hold the vested rights public hearing at the same time that the site plan is considered for approval.
- C. Approval by the approving authority shall confer upon the owner of the property a zoning "vested right" as defined in NCGS §153A-344.1, effective on the date of approval. The approving authority may condition the approval upon terms and conditions reasonably necessary to protect the public health, safety, and welfare.

3.8.5. Effect of Zoning Vested Rights

- A. Following approval or approval of a site specific development plan, nothing in this section shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.
- B. Nothing in this section shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or with this Ordinance.
- C. The establishment of a zoning vested right shall not preclude the application of new laws or regulations as is allowed under NCGS §160A-385.1. In addition, it shall not preclude overlay zoning that imposes additional requirements, but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this section.
- D. A vested right obtained under this section is not a personal right, but shall attach to and run with the subject property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

3.8.6. Duration

A right which has been vested as provided for in this section shall remain vested for a period of three years. Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the Board of Adjustment or the Planning Board upon approval of the modification and or amendment.

3.8.7. Termination

A vested right as provided in this section shall terminate when any one of the following circumstances apply:

- A. At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;
- B. With the written consent of the affected landowner;
- C. Upon findings by the Board of Adjustment by ordinance and after public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;
- D. Upon payment of compensation to the affected owner for all costs, expenses, and other losses incurred by the landowner together with interest;
- E. Upon findings by the Board of Adjustment by ordinance and after public hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approving authority of the site specific development plan; or
- F. Upon the enactment of a State or Federal law or regulation or local ordinances enacted in compliance with such laws or regulations that preclude development as contemplated in the site specific development plan.

3.9 SPECIAL EXCEPTION PERMIT

As specified in N.C.G.S. 153A-345(c), the Zoning Board of Adjustment may grant permits for special exceptions for uses indicated as permissible with approval of a special exception permit.

3.9.1. Applicability

- A. Special exceptions within the zoning districts are considered to be uses which are appropriate in a particular zoning district but because of their potential for incompatibility with adjacent uses may require individual review.
- B. A special exception permit shall be required for all special exceptions as set forth in the use table in Section 7.1, Use Table.

3.9.2. Approving Authority

Special exception permits shall be considered by either the Planning Board or Board of Adjustment, as set forth in the use table in Section 7.1. For purposes of this section, the term “approving authority” shall refer to the appropriate board.

3.9.3. Pre-Application Conference

All applicants applying for a special exception permit shall schedule a pre-application conference in accordance with Section 3.1.1.

3.9.4. Neighborhood Meeting

The applicant is encouraged to hold a neighborhood meeting in conformance with Section 3.1.2.

3.9.5. Application Requirements

All applications for special exception permits shall be submitted in accordance with Section 3.1.3, Application Requirements.

3.9.6. Notice and Public Hearings

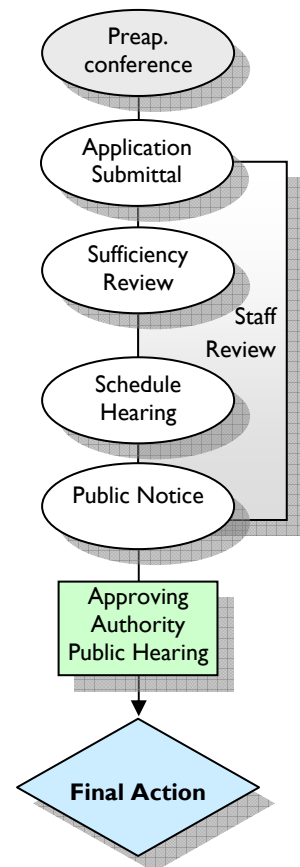
Once the application has been determined complete, the Zoning Administrator shall schedule a public hearing and give public notice as set forth in Section 3.1.4.

3.9.7. Action by the Zoning Administrator

The Zoning Administrator shall prepare a report that reviews the special exception permit in light of any requirements of this Ordinance. A copy shall be provided to the approving authority and the applicant.

3.9.8. Approval of a Special Exception Permit

- A. Prior to scheduling the public hearing on the special exception permit, the corresponding site plan shall be ready for action by the approving authority.
- B. After conducting the public hearing, and hearing the recommendations of the Zoning Administrator, the approving authority shall:
 - 1. Approve the request;
 - 2. Approve the request with conditions.
 - 3. Deny the request; or



4. Continue the hearing.
- C. The approving authority may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use. The conditions shall become a part of the special exception permit approval. Violations of any of the conditions shall be treated in the same manner as other violations of this Ordinance.

3.9.9. Criteria for Special Exception Permits

A. General Findings

Applications for special exception permits shall be approved only if the approving authority finds that the use as proposed, or the use as proposed with conditions, is:

1. In harmony with the area and not substantially injurious to the value of properties in the general vicinity;
2. In conformance with all special requirements applicable to the use;
3. Will not adversely affect the health or safety of the public; and
4. Will adequately address the review factors identified below.

B. Review Factors

The applicant shall demonstrate that the review factors listed below have been adequately addressed. If an application is denied, the approving authority shall specify which of these review factors, if any, were not adequately addressed.

1. Circulation

Adequacy of easements and rights-of-way. Number and location of access points to the property and the proposed structures and uses, with particular reference to automotive, bicycle, mass transit and pedestrian safety and convenience, traffic flow and control, connections with adjacent uses (connections may be desired or not desired), and access in case of fire or catastrophe.

2. Parking and Loading

Support facilities such as off-street parking areas and driveways.

3. Service Entrances and Areas

Locations of refuse and service areas with particular reference to ingress and egress of service vehicles.

4. Lighting

Locations of exterior lighting with reference to glare, traffic safety, economic effect and compatibility with other property in the area.

5. Signs

Appropriateness of signs considering location, height, size, and design within the context of other property in the area.

6. Utilities

Location and availability of utilities.

7. Open Spaces

Location of required yards and other open spaces and preservation of existing trees and other natural features.

8. Environmental Protection

Preservation of tree cover, floodplain, stream buffers, wetlands, steep slopes, open space and other natural features, and protection of water quality.

9. Screening, Buffering and Landscaping

Installation of screening, buffering, fencing and landscaping where necessary to protect adjacent property.

10. Effect on Adjacent Property

Effects of the proposed use on nearby property, including, but not limited to, the effects of noise, and odor.

11. Compatibility

The level of general compatibility with nearby properties and the appropriateness of the use in relationship to other properties.

3.9.10. Coordination with Variances

Applications for variances may be submitted concurrently with requests for special exception permits. However, decisions shall be rendered separately for any variance and the special exception permit.

3.9.11. Coordination with Rezoning Applications

An application for a special exception permit may be reviewed concurrently with a Rezoning application. However, decisions shall be rendered with separate motions.

3.9.12. Resubmittals

An application for a special exception permit which has been denied may be resubmitted prior to the lapse of one year only if there has been a change in circumstances, as determined by the Zoning Administrator.

3.9.13. Amendments

Alterations or revisions to approved special exceptions may be approved by the Zoning Administrator if the special exception still meets the intent of the standards established with the original approval. Significant modifications to approved special exceptions, as determined by the Zoning Administrator, shall require submittal of a new application.

3.9.14. Expiration

A special exception permit shall become null and void in any of the following cases:

- A. If a site plan is not approved within 12 months of the date of permit approval.
- B. If an approved site plan or building permit expires.
- C. If a building permit is not issued within two years of the date of approval, in cases where a site plan is not required.
- D. If a substantial violation of the conditions of the permit, as determined by the Zoning Administrator occurs. The addition of language to the special exception permit regarding such voiding shall not be required.

3.9.15. Appeal

Appeal from a final action by the approving authority on a special exception permit may be taken by filing a petition for *certiorari* with the Brunswick County Superior Court.

3.10 APPEAL OF ADMINISTRATIVE DECISION

3.10.1. Applicability

As specified in N.C.G.S. 153A-345(b), an appeal by any person aggrieved by a final order, interpretation or decision of the Zoning Administrator, Planning Director or other administrator in regard to the provisions of this Ordinance may be taken to the Board of Adjustment.

3.10.2. Application Requirements

- A. An appeal of an administrative decision shall be taken by filing a written notice of appeal specifying the grounds for the appeal with the Zoning Administrator and the Board of Adjustment.
- B. An application for appeal of an administrative decision shall be submitted in accordance with Section 3.1.3, Application Requirements.
- C. A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Zoning Administrator. The date and time of filing shall be entered on the notice.

3.10.3. Deadline for Submission of Application

An appeal of an administrative decision shall be filed with the Zoning Administrator and Board of Adjustment within 20 days of receipt of the decision.

3.10.4. Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with Section 3.1.4, Notice and Public Hearings.

3.10.5. Action by Zoning Administrator

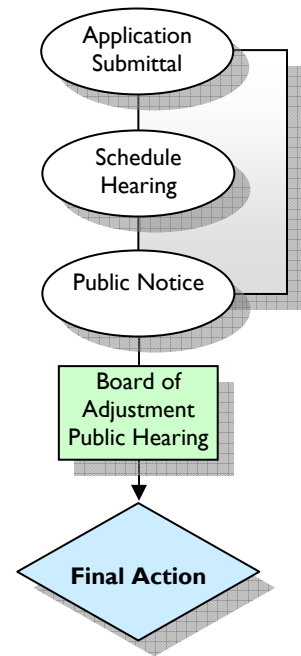
The Zoning Administrator shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

3.10.6. Action by Board of Adjustment

- A. The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.
- B. A motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
- C. If a motion to reverse or modify is not made, or fails to receive the affirmative vote of a majority of members present, then appeal shall be denied.
- D. Any motion to overturn a decision shall state the reasons or findings of fact that support the motion.

3.10.7. Effect of Appeal

- A. An appeal shall stay all proceedings in furtherance of the action appealed, unless the administrative official from who the appeal is taken certifies to the Board of Adjustment that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective



Article 3 Review Procedures

3.10 Appeal of Administrative Decision

enforcement of this Ordinance. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrative official.

- B. An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this Ordinance are stayed.

3.11 ADMINISTRATIVE ADJUSTMENT

3.11.1. Applicability

The Planning Director shall be authorized to approve minor specified deviations as specified in paragraph a. below where, owing to special conditions, strict enforcement of the provisions of this Ordinance would be physically impractical.

3.11.2. Application Requirements

An application for a written interpretation shall be submitted in accordance with Section 3.1.3, Application Requirements.

3.11.3. Action by Planning Director

- A. The Planning Director shall have the authority to authorize the following administrative adjustments:
 - 1. A reduction of up to **ten percent** of the required front, side or rear yard setback for any encroachments into required setback as of the effective date of this Ordinance;
 - 2. Minor adjustments to site plans consistent with the requirements of Section 3.6.15.
- B. Any request for deviation from the provisions of this Ordinance not listed above shall be reviewed by the Board of Adjustment as provided in Section 3.4, Variance.

3.11.4. Administrative Adjustment Criteria

To approve an administrative adjustment, the Planning Director shall make an affirmative finding that all of the following criteria are met:

- A. That granting the administrative adjustment will not have an adverse impact on land use compatibility;
- B. That the circumstances creating the need for the administrative adjustment are not the result of the property owner's own actions;
- C. That granting the administrative adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;
- D. That granting the administrative adjustment shall be consistent with the purposes and intent of this Ordinance; and
- E. That the strict enforcement of this Ordinance would deprive the owner or applicant of reasonable use of the property that is substantially consistent with the intent of this Ordinance.

3.11.5. Appeal

Final action on an administrative adjustment may be appealed to the Board of Adjustment in accordance with Section 3.10, Appeal of Administrative Decision.

3.12 TRANSPORTATION IMPACT ASSESSMENT

3.12.1. Applicability

- A. A Transportation Impact Assessment may be required to be submitted in conjunction with an application for a
 - 1. Preliminary Plat of a Major Subdivision (Section 3.5);
 - 2. Major Site Plan (Section 3.6);
 - 3. Special Exception Permit (Section 3.9); or
 - 4. Planned Unit Development (Section 3.7)
- B. Unless exempted in paragraph Section 3.12.2 below, a Transportation Impact Assessment shall be required for residential or mixed residential-nonresidential projects, which can be anticipated to generate at least 100 vehicle trips at peak hour or 1,000 vehicle trips per day based on the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

3.12.2. Exemptions

The following projects shall not be required to submit a Transportation Impact Assessment:

- A. Projects that do not have any residential component other than a single caretaker dwelling.
- B. Developments approved prior to [insert date here] that have maintained valid preliminary plats, major site plans or special exception permits.
- C. Redevelopment of any site on which the additional traffic at peak hour represents an increase of less than 100 additional peak hour trips from the traffic generated by the previous development, where the redevelopment is initiated within 12 months of the completion of demolition of the previous project.

3.12.3. Pre-Application Conference

- A. All applicants submitting a Transportation Impact Assessment shall schedule a pre-application conference with the Planning Director, in accordance with Section 3.1.1.
- B. The Planning Director shall determine the type and scope of the study during the pre-application conference, which may also involve representatives from other agencies or departments including NCDOT.

3.12.4. Application Requirements

A Transportation Impact Assessment shall be submitted in accordance with Section 3.1.3, Application Requirements and may include some or all of the requirements listed below.

- A. **Type of Study**

A letter report, full Transportation Impact Assessment report, or special report (such as a sight distance survey).
- B. **Definition of Impact Area**

Identification of the points of access and key streets and intersections to be affected by development of the subject tract. Traffic recorder and turning movement assessment locations may also have to be determined.
- C. **Period of Analysis**

The period of analysis should be for both the morning and afternoon peak hour.

D. Analysis Scenarios

Scenarios for analysis should include existing conditions, and opening year with and without development, and may include five or ten years after opening with or without development.

E. Assumptions

Trip generation and distribution assumptions including trip generation categories, diversion assumptions and distribution assumptions. Assumed rate of growth in background traffic, and developments in the area that have been approved or are under review may also be required.

F. Duration of Study

The duration of traffic studies (the time period for which they are considered a valid basis for approvals) for large projects, particularly Planned Unit Developments, will be evaluated on a case-by-case basis as part of the application review process.

G. Existing Condition Survey**1. Street System Description**

The street system should be described, including geometric features, lane usage, traffic control, signage, sight distances, and adjacent uses and curb cuts.

2. Traffic Volumes

Existing peak hour traffic volumes should be provided for the impact area. Data should be adjusted for daily and seasonal variations. Turning movement counts for peak hour may also be required for critical intersections.

3. Capacity Analysis

Existing capacity of signalized and unsignalized intersections.

4. Other Details

Other details may be required at the discretion of the Planning Director depending upon the type and scale of the project. These may include, but are not limited to, queue length analysis, pedestrian counts, accident data, traffic speeds (both 50th and 85th percentile), and stopping distances.

H. Future without Development

Capacity analysis should be based on the Highway Capacity Manual or other methodology approved in advance by the Planning Director.

I. Future with Development

1. Projections of peak hour traffic generation should be made using the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, unless the Planning Director determines that locally-derived data will provide more accurate forecasts. Data from similar facilities may be used where the information is not available from Institute of Transportation Engineers.
2. Special analysis may be required to determine the need for signalization, minimum safe sight distances, gap analysis, turning radius requirements, queue length analysis, turning lane length analysis, curb cut locations or similar requirements.

3.12.5. Mitigation Plan

Where the analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended, along with projected cost estimates. The design of improvements shall be in accordance with the North Carolina Department of Transportation (NCDOT). Where a mitigation plan is not adequate to address the traffic impacts of the project, it

3.12 Transportation Impact Assessment

may serve as a basis for denial of a Planned Unit Development, preliminary plat, major site plan or special exception permit.

3.12.6. Consultants

The Planning Director may require that an independent consultant be hired by the County to perform the required studies, or to review all or part of a study prepared by the applicant's consultant. The Planning Director is authorized to administer the contract for any such consultant.

- A. The County shall determine the scope of services to be performed by the independent consultant and receive a cost estimate of such services.
- B. The applicant shall provide an amount equal to the estimate to the County, who shall deposit the amount in an escrow or other special account set up for this purpose. Any funds not used shall be returned to the applicant in a timely manner, without interest.
- C. The County may require additional funds for independent review where a decision-making body expands the scope of the required review; the applicant substantially amends the application; additional meetings involving the consultant are requested by the applicant; or the consultant's appearance is requested at public or affected agency meetings beyond those anticipated in the original scope of services.

3.12.7. Period of Validity

A Transportation Impact Assessment shall be valid for a specific site for no more than ten years, so long as no significant modifications to the development approved for the site are made.

3.13 WRITTEN INTERPRETATION

3.13.1. Applicability

When uncertainty exists, the Planning Director shall be authorized to make all interpretations concerning the provisions of this Ordinance.

[Commentary: All interpretations of matters relating to the North Carolina Building Code shall be made by the Building Official or designee.]

3.13.2. Application Requirements

An application for a written interpretation shall be submitted in accordance with Section 3.1.3, Application Requirements.

3.13.3. Action by Planning Director

- A. The Planning Director shall review and evaluate the request in light of the text of this Ordinance, the Zoning Map, the Comprehensive Plan and any other relevant information;
- B. Following completion of any technical reviews by staff, the Planning Director shall render an opinion.
- C. The interpretation shall be provided to the applicant in writing.

3.13.4. Official Record

The Planning Director shall maintain an official record of all interpretations. The record of interpretations shall be available for public inspection during normal business hours.

3.13.5. Appeal

Final action on a written interpretation may be appealed to the Board of Adjustment in accordance with Section 3.10, Appeal of Administrative Decision.

3.14 DESIGN REVIEW

3.14.1. Intent

Design review is intended to protect and promote the physical character of Brunswick County through additional review of proposed developments which, due to their scale, will have a significant presence.

3.14.2. Applicability

Prior to issuance of a zoning permit, design review shall be required where specified in this ordinance.

3.14.3. Timing

Design Review may be undertaken concurrently with all other review procedures.

3.14.4. Pre-Application Conference

Applicants are encouraged to schedule a pre-application conference in accordance with Section 3.1.1.

3.14.5. Approval Authority

- A. The Planning Director shall be the approval authority for applications seeking alternative compliance to building façade design standards (see Section 8.4).
- B. The Planning Board shall be the approval authority for all other applications.

3.14.6. Review Authority

The Planning Director or Planning Board may consult with architects, designers, or other professionals with an expertise in architectural design during the review process.

3.14.7. Action by the Planning Director

- A. Upon receipt of an application for design review which in the judgment of the Planning Director is sufficiently complete to conduct a review, the Planning Director shall set a meeting for initial review as soon as reasonably possible, but in no case later than 30 calendar days after receipt of a complete application.
- B. The applicant shall present the proposed design at the meeting.
- C. The Planning Director shall consider the application subject to the design review criteria in Section 3.14.9.
- D. Within 15 days following the meeting, the Planning Director shall take final action on the application. Applications to be acted on by the Planning Board shall be placed on the next available hearing of the Board.

3.14.8. Action by the Planning Board

- A. The applicant shall present the proposed design at the hearing.
- B. The Planning Board shall consider the application subject to the design review criteria in Section 3.14.9.
- C. Following the close of the hearing, the Planning Board shall take final action on the application. The Board may approve, approve with conditions, deny the application, or continue the application to the next hearing. Any application continued from a previous hearing may not be continued again. If final action is not taken, the application shall be deemed denied, and may be appealed to the Board of County Commissioners.

3.14.9. Design Review Criteria

- A. The following elements shall be considered during the review process:
 - 1. Compatibility with the surrounding structures; and
 - 2. Compliance with specific design criteria.
- B. In rendering a decision, the approval authority shall be limited to the consideration building design features and materials of construction, and in the case of building façade design standards (see Section 8.4), the use of increased landscaping to obtain alternative compliance.
- C. The approval authority may not consider aspects of a proposal not specifically related to the design features and/or materials of construction of a building or structure.

3.15 PERMITS AND CERTIFICATES

Other permits or certificates beyond those included in this Section may be required. Consult with the Planning Director.

3.15.1. Zoning Permit

A. Applicability

1. No excavation shall be commenced, no wall, structure, premises, or land used, building or part thereof shall be built, constructed or altered, nor shall any building be moved, nor shall any sign be erected or structurally altered (unless exempted), until application has been made and the proper permit has been obtained. When the Zoning Administrator, with the technical assistance of other County departments or upon direction by the Brunswick County Planning Board or Board of Adjustment, has determined that the proposed land use may be permitted under the provisions of this Code, a permit for the proposed use shall be issued.
2. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use or any lot on which there is a nonconforming use, until the Zoning Administrator has issued a zoning permit for such intended use, including a determination that the proposed use, in all respects, conforms to the provisions of this Ordinance.

B. Zoning Permit Automatic with Site Plan, Special Exception, or PUD Approval

Any activity for which a Site Plan approval (Section 3.6), Special Exception permit (Section 3.9), or Planned Unit Development approval (Section 3.7) has been issued shall be considered to have met the requirements of this section automatically.

C. Timing of Application

In all cases where a building permit is required, application for a zoning permit shall be made coincidentally with the application for a building permit. In all other cases, application shall be made before initiating any of the activities that trigger compliance with this Section.

D. Application Requirements

All applications for a zoning permit shall be submitted in accordance with Section 3.1.3, Application Requirements.

E. Action by Zoning Administrator

1. If the proposed excavation, construction, moving, alteration or use of land, as set forth in an application for a zoning permit, is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a zoning permit, provided that all of the following conditions shall apply:
 - i. Issuance of a zoning permit shall in no case be construed as waiving any provisions of this Ordinance;
 - ii. The Zoning Administrator shall not grant any exceptions to the actual meaning of any clause, standards, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter or use buildings, structures or land;
 - iii. The Zoning Administrator shall issue a permit when the imposed conditions of this Ordinance are complied with by the applicant regardless of whether the use of the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties; and
 - iv. The zoning permit shall include a determination that plans, specifications and the intended use of such structure and land do, in all respects, conform to the provisions of this

Ordinance. Prior to the issuance of a zoning permit, the Zoning Administrator shall consult with other applicable departments, as necessary.

2. If the proposed excavation, construction, moving, alteration or use of land, as set forth in an application for a zoning permit, is not in conformity with the provisions of this Ordinance, the Zoning Administrator shall not issue a zoning permit. If an application for a zoning permit is disapproved, the Zoning Administrator shall state in writing the cause of such disapproval and provide written notice to the applicant.

F. Expiration

Once a zoning permit has been issued, all activities pursuant to such permit shall be commenced within two years. If the proposed excavation, construction, moving, alteration or use of land, as set forth in an application for a zoning permit, is discontinued for a period of one year or more, the zoning permit shall lapse and be of no further force and effect.

G. Appeal

Final action on a zoning permit may be appealed to the Board of Adjustment in accordance with Section 3.10, Appeal of Administrative Decision.

3.15.2. (Final) Certificate of Occupancy/Compliance

No certificate of occupancy or compliance shall be issued by the Building Inspector until:

1. Applicable standards of this Ordinance have been met; or
2. Written assurances are provided to the Building Inspector that applicable standards of this Ordinance will be met within a reasonable period of time. Assurances shall include posting of a surety bond or submission of a notarized letter of credit for the value of the incomplete improvements required.
3. No building, structural, or zoning lot for which Zoning Compliance has been issued shall be used or occupied until Building Inspections has, after final inspection, recommended the issuance of a Certificate of Occupancy indicating compliance has been made with all the provisions of this Ordinance. However, the issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance.

3.15.3. Temporary Compliance Permit/Temporary Certificate of Occupancy

A. Applicability

A Temporary Zoning Compliance Permit and a Temporary Certificate of Occupancy shall be issued prior to actual amendment to the Zoning Ordinance where the following criteria have been met:

1. A condition is discovered either through the application process, petition, or field observations, which prevents strict compliance with the Zoning Ordinance and issuance of a Certificate of Occupancy and the condition was not caused or brought about by an individual action of an owner or owners seeking amendment and
2. The condition which would prevent strict compliance with this Ordinance applies to a number of similarly situated lots, not just to one lot, and
3. Either the owner or owners petition for change or the Zoning Administrator initiate the necessary change to this Ordinance to correct the condition, and
4. The petition for change in the opinion of the Zoning Administrator is likely to be allowed.

If the Zoning Administrator determines the above criteria have been met shall issue a Temporary Certificate of Compliance and when necessary a Temporary Certificate of Occupancy, and shall make and report the Findings of Fact necessary to support his action in each such instance at the next

Article 3 Review Procedures

3.15 Permits and Certificates

meeting of the Planning Board together with a request for said Board to expedite whatever amendment is deemed necessary to correct the situation.

B. Period of Validity

1. A Temporary Certificate of Compliance or Temporary Certificate of Occupancy shall be considered null and void should the amendment not be adopted within six months from initiation of the amendment.
2. The owner of the property shall be deemed to take with knowledge that a permit issued under this section may become null and void and require immediate actual compliance or removal of any offending structure.

C. Indemnification

No officer issuing a permit under this section shall be liable to any party for his actions unless done willfully and outside the scope of his authority. The County shall indemnify and save harmless any official incurring liability for his actions under this section unless done willfully and outside the scope of his authority.

3.15.4. Temporary Use Permit

[Commentary: A Temporary Use Permit shouldn't be confused with a Temporary Certificate of Compliance (see above).

Temporary outdoor uses should not be confused with permanent outdoor activities (for example, a car sales lot) that are only allowed in certain districts and require site plan approval, nor should they be confused with an outdoor display area (for example, a garden center that is part of a building supply store) that may be a part of a retail store and require site plan approval.]

A. Applicability

Temporary uses occurring on property outside of the public right-of-way shall obtain a temporary use permit from the Zoning Administrator. The permit shall outline conditions of operations to protect the public, health, safety and welfare subject to the standards of Section 7.5 , Temporary Uses.

B. Application Requirements

An application for a temporary use permit shall be submitted in accordance with Section 3.1.3, Application Requirements.

C. Action by Zoning Administrator

1. After receiving the application, the Zoning Administrator shall have up to 30 days to review the application.
2. Following completion of technical reviews by staff, the Zoning Administrator shall approve the issuance of a temporary use permit subject to the following:
 - i. No lighting or electrical service shall be provided without an electrical permit;
 - ii. No temporary use structure shall be erected without a building permit;
 - iii. No temporary use structure shall block fire lanes or pedestrian or vehicular access;
 - iv. The site of the temporary use shall be cleared of all debris at the end of the temporary use. All temporary structures shall be cleared from the site within five days after the use is terminated;
 - v. Written permission of the property owner for the temporary use shall be provided;
 - vi. Adequate parking shall be provided;
 - vii. Required parking for other uses shall remain available;

- viii. Adequate traffic control measures shall be provided;
- ix. Adequate provisions for trash disposal and sanitary facilities shall be provided; and
- x. When appropriate, adequate provisions for crowd control shall be provided.

D. Revocation of a Temporary Use Permit

A temporary use permit shall be revoked if the Zoning Administrator finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.

E. Appeal

Final action on a temporary use permit may be appealed to the Board of Adjustment in accordance with Section 3.10, Appeal of Administrative Decision.

3.15.5. Certification of Manufactured Homes

A. Applicability

The Building Inspector shall determine that a manufactured home, date of manufacturing of manufactured home, or a model of manufactured homes meets the requirements of this Ordinance.

B. Application Requirements

An application for Certification shall be submitted in accordance with Section 3.1.3, Application Requirements.

C. Action by Building Inspector

1. The Building Inspector shall review and evaluate the request in light of the text of this Ordinance and any other relevant information;
2. Following completion of any technical reviews by staff, the Building Inspector shall render an opinion.
3. The interpretation shall be provided to the applicant in writing.

D. Appeal

Final action on Certification may be appealed to the Board of Adjustment in accordance with Section 3.10, Appeal of Administrative Decision.

3.15.6. Sign Permit

A. Applicability

1. Except as otherwise provided in this Ordinance, a sign permit shall be required to erect, construct, enlarge, move or replace any sign or cause the same to be done, as required by Article 12, Signs.
2. Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of these regulations.

B. Application Requirements

1. An application for a Sign Permit shall be submitted in accordance with Section 3.1.3, Application Requirements. Additionally, applications for permits shall contain or have attached to it the following information:
 - i. The street number where the sign is to be erected, and the tax parcel number for the zoning lot onto which the sign is to be located;

- ii. Names, addresses, and telephone numbers of the applicant, owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the licensed contractor erecting or affixing the sign;
- iii. If the applicant is not the owner of the property on which the sign will be located, a copy of the lease agreement between the property owner and the applicant ;
- iv. A site or plat plan of the property involved, showing accurate placement of the proposed sign including setbacks, all structures, access easements, and other relevant site information;
- v. Two blueprints (one original and one copy) or scaled drawings of the plans and specifications of the sign to be erected or affixed. Such plans may include but shall not be limited to details of dimensions, materials, copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and the size of existing wall signs shall also be included. All signs shall meet the N.C. Building Code;
- vi. Applications for permits for outdoor advertising structures, in addition to the above information shall contain a detailed site plan with setbacks and dimensions showing at least the following: the location of all outdoor advertising structures on the same side of the street, existing structures, driveways, etc.
- vii. Other information as the Zoning Administrator may require to determine full compliance with this and other applicable codes.

C. Action by Zoning Administrator

Following completion of the technical reviews by staff, the Zoning Administrator shall approve the sign permit provided the sign meets all requirements of this Ordinance, and all other applicable electrical and North Carolina Building Code requirements.

D. Revocation and Removal

- 1. Any sign permit issued in accordance with this Ordinance shall automatically become null and void unless the work for which the permit was issued has visibly been started within six months of the date of issue or if the work authorized by it is suspended or abandoned for one year.
- 2. The Zoning Administrator and or Building Inspector shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to the health, safety or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence. Notice to the owner shall be by personal service or registered mail, return receipt requested. Upon notification, the owner shall have 60 days to complete repairs. Failure to complete repairs with appropriate time frame may result in the County proceeding with legal actions pursuant to Article 5, Enforcement.
- 3. Any sign(s) determined to be erected or posted not in accordance with provisions contained in Article 12, Signs may be subject to immediate removal and enforced pursuant to Article 5, Enforcement.
- 4. On determining that a violation exists, the owner, applicant or business shall be given written notice of the initial violation and notification that the sign(s) may be held at a designated location for collection by the owner, applicant or business for a period of no more than ten days.
- 5. Any sign(s) determined to be in violation of Article 12, Signs and not collected by the owner, applicant or business within the ten day period of initial notice of violation, or where it is determined that there are subsequent violations by same owner, applicant or business beyond the initial notification, may be subject to immediate removal and destroyed.

E. Appeal

Final action on a sign permit may be appealed to the Board of Adjustment in accordance with Section 3.10, Appeal of Administrative Decision.

3.15.7. Common Signage Plan

A. Applicability

Prior to the issuance of a sign permit for one or more buildings or businesses in the same project, a common signage plan shall be required, except as follows:

1. Internally-oriented signs not visible from the public right-of-way shall not be required to submit an approved common signage plan; and
2. Applications for temporary sign permits shall not be required to submit an approved common signage plan.

B. Application Requirements

1. The elements of a common signage plan shall be in accordance with Section 12.8, Common Signage Plan.
2. A common signage plan application shall be submitted in accordance with Section 3.4.4, Application Requirements.

C. Action by the Zoning Administrator

1. Upon review of the application, the Zoning Administrator shall approve the common signage plan provided the plan meets all the requirements of this section.
2. The Zoning Administrator may allow modifications to the lettering style to accommodate state and federally registered trademarks (logos) if the Planning Director feels that the intent of the common signage plan requirements shall be maintained. In allowing the modifications, the Zoning Administrator may limit the logo size. The requirements of a common signage plan shall apply to all businesses within a related project, even if the properties have been subdivided.
3. Minor alterations in sign locations resulting from unexpected conditions on the site may be approved by the Planning Director.

D. Revisions and Amendments

Revisions or amendments to the common signage plan shall require documentation from all tenants on the property prior to approval.

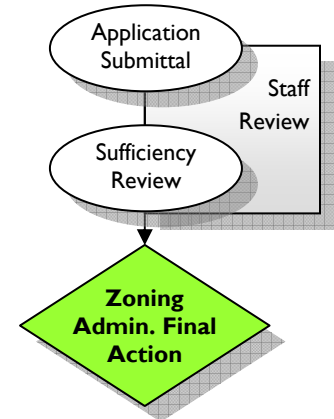
E. Appeal

Final action on a common signage plan may be appealed in accordance with Section 3.10, Appeal of Administrative Decision.

3.15.8. Stormwater Permit

A. Applicability

1. This Article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the County including any amendments or revisions thereto.



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2. The standards set forth herein and promulgated pursuant to this Section are minimum standards; therefore, this Section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants into waters of the U.S. caused by said person. Approval of a stormwater permit shall not create liability on the part of the County, or any agent or employee of the County for any damages that result from any discharger's reliance on these provisions or any lawfully made administrative decision.
3. This Section shall be construed to assure consistency with the requirements of the Clean Water Act and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations.

B. Permit Required

1. Except where provided elsewhere, development shall not commence without obtaining a Stormwater Permit pursuant to the provisions of this Ordinance.
2. The Stormwater Permit Application shall be made by, or on behalf of, the owner(s) or developer(s) of the site for which the permit is sought. The application shall be filed with the County on a form supplied by the County and shall be accompanied with the information identified in the Storm Water Management Manual.

C. Application Requirements

An application for a stormwater permit shall be submitted to the Stormwater Administrator in accordance with Section 3.1.3, Application Requirements.

D. Action by the Stormwater Administrator

1. After receiving the application, the Stormwater Administrator shall have up to 30 days to review the application.
2. Following completion of technical reviews by staff, the Stormwater Administrator shall approve the issuance of a temporary use permit subject to the compliance with the approval criteria established below.

E. Approval Criteria

1. Compliance with the standards contained in Article 11, Stormwater Management.
2. Submission and approval of any required easements.
3. Submission and approval of any required inspection and maintenance agreements.
4. If the development requires a Sediment and Erosion Control Permit, the Stormwater Permit shall be conditional upon the owner receiving such sediment and erosion permit and upon the filing of a copy of the approved Sediment and Erosion Control Plan and associated Permit to the Stormwater Administrator.

F. Period of Validity

The stormwater permit remains valid for one year from the date of issuance. If significant changes are made, the original stormwater permit shall not be valid and a new permit shall be required. Significant changes shall be determined by the Stormwater Administrator.

G. Appeal

Final action on a stormwater permit may be appealed to the County Manager.

ARTICLE 4. NONCONFORMITIES

4.1 GENERAL

4.1.1. Scope

The regulations of this article govern lots, uses, buildings, signs and other aspects of development that came into existence lawfully but that do not conform to one or more requirements of this Ordinance. These are referred to as “nonconformities.”

4.1.2. Purpose

The regulations of this article are intended to:

- A. recognize the interests of property owners in continuing to use their property for lawful purposes;
- B. promote reuse and rehabilitation of existing buildings; and
- C. place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

4.1.3. Authority to Continue

Any nonconformity that existed on [Insert Effective Date] or that becomes nonconforming upon the adoption of any amendment to this Ordinance may be continued in accordance with the provisions of this article.

4.1.4. Determination of Nonconformity Status

The burden of proving that a nonconformity exists (as opposed to an illegal situation) rests with the subject landowner.

4.1.5. Repairs and Maintenance

- A. Incidental repairs and normal maintenance of nonconformities are permitted unless such repairs are otherwise expressly prohibited by this Ordinance. For the purpose of this provision, repair or replacement of non-bearing walls, fixtures, wiring or plumbing will be considered incidental repairs if the total value of the repairs in any 12-month period does not exceed 25% of the current replacement value of the structure.
- B. Nothing in this article is to be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of the Building Inspector or other duly authorized public official. When improvements are made to restore the property to a safe condition, the cost of such repairs or alterations are included in the 25% noted in the preceding paragraph.

4.1.6. Change of Tenancy or Ownership

The status of a nonconformity is not affected by changes of tenancy, ownership, or management.

4.1.7. Nonconformity Resulting From Governmental Action

Nonconformities resulting from governmental action shall obtain nonconforming status to the extent that said action causes noncompliance with any provision of this Ordinance.

4.1.8. Cost Estimates

In making determinations regarding replacement value, the Zoning Administrator is authorized to use the County tax assessment roles, Dodge Reports, Marshall Swift, or similar cost-estimating manuals, as a basic reference.

Article 4 Nonconformities

4.2 Nonconforming Lots

4.1.9. Nonconforming Use Certificates

- A. It shall be unlawful to maintain or continue any nonconforming use, until a Nonconforming Use Certificate has been issued. However, nonconforming uses existing as of the effective date of this Ordinance shall have a six month period from the time of notification by the Zoning Administrator of being a nonconformity to obtain such Certificate.
- B. The Nonconforming Use Certificate shall indicate, the date on which the use will be discontinued, or that the use may be continued indefinitely according to terms and limitations of this Ordinance.

4.2 NONCONFORMING LOTS

4.2.1. Definition

A nonconforming lot is a tract of land lawfully established as a lot on a plat of subdivision recorded or registered, pursuant to statute, with the Register of Deeds of Brunswick County that does not comply with the minimum lot area or lot width standards of the zoning district in which it is now located.

4.2.2. Continuation

A. Lots with Contiguous Frontage in One Ownership

When two or more adjoining lots with contiguous frontage are in one ownership and said lots individually have area or width which does not conform to the dimensional requirements of the district where located, such lots shall be combined as a single zone lot or several zone lots to reduce the degree of nonconformity with regards to lot area and width requirements of the district, provided compliance is achieved with regard to all other requirements of this Ordinance.

B. Single Lot

- 1. A single lot that is nonconforming as to area or width requirements may be built upon if compliance is achieved with regard to all other Ordinance requirements.
- 2. In any residential zoning district, only a single family dwelling may be permitted on a nonconforming lot.

4.3 NONCONFORMING USES OF LAND

4.3.1. Definition

A nonconforming use is a land use, other than a nonconforming sign, that was lawfully established in accordance with zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which it is now located.

4.3.2. Continuation

A nonconforming use may continue, subject to the regulations of this section.

4.3.3. Change of Use

- A. A nonconforming use may be changed to any permitted use in the subject district.
- B. The Board of Adjustment is authorized to approve a Special Exception Permit to allow a change from one nonconforming use to another nonconforming use that is in the same use category (see Section 7.1.1, Grouping of Uses) or to another functionally similar use, provided that the Board of Adjustment determines that the proposed use will have no greater adverse impacts on the surrounding area. To make a determination, the Board of Adjustment shall consider all of the following:
 - 1. anticipated traffic of each use;

2. parking requirements of each use;
3. anticipated number of persons on the premises of each use at a time of peak demand;
4. off-site impacts of each use, such as lighting, noise, glare, dust, vibration, or smoke; and
5. hours of operation.

4.3.4. Expansion or Modification

- A. The Zoning Administrator may approve an Administrative Adjustment allowing modification of a nonconforming use which does not increase the degree of nonconformity.
- B. Any nonconforming use may be extended within any parts of a building which were manifestly arranged or designed for such use, except for alterations that would have the effect of increasing residential density.
- C. A nonconforming use may not be relocated, in whole or in part, to another portion of the subject lot or parcel.
- D. Where a nonconforming use involves operation of heavy equipment or machinery, such equipment or machinery may be replaced; provided that the new equipment or machinery conforms to the performance standards for the subject district.

4.3.5. Loss of Nonconforming Use Status

A. Discontinuance

1. A nonconforming use that ceases for any reason for a continuous period of more than two years or an aggregate period of 24 months in four years may not be reestablished. Any subsequent use of such land must be a use permitted in the district.
2. The resumption of a nonconforming use shall not be permitted if such nonconforming use is superseded by a permitted use for any period of time.
3. If a *nonconforming use* fails to maintain a valid business license, the use will be considered to have been discontinued.

B. Damage or Destruction

A nonconforming use located within a structure which has been damaged by fire or other natural causes may retain nonconforming status if the damage to the structure does not exceed 25% of its value and the use is reestablished within one year.

4.4 NONCONFORMING STRUCTURES

4.4.1. Definition

A nonconforming structure is any aspect of a development—other than a nonconforming lot, nonconforming use or nonconforming sign—that was lawfully established, in accordance with zoning regulations in effect at the time of its establishment but that no longer complies with one or more standards of this Ordinance.

4.4.2. Continuation

Nonconforming structures may remain, subject to the standards of this section.

4.4.3. Enlargement or Modification

- A. A nonconforming structure may be modified or altered provided such alterations do not increase the degree of nonconformity.

Article 4 Nonconformities

4.5 Nonconforming Signs

- B. Any enlargement of a nonconforming structure shall conform to the dimensional requirements of the zoning district unless a variance is granted by the Board of Adjustment.
- C. A nonconforming structure may not be moved or relocated unless it is made to comply with the dimensional requirements of the district in which it is relocated.
- D. A structure which is nonconforming as to off-street parking may be remodeled or altered in a manner which does not increase its requirements for off-street parking unless such modifications satisfy the additional off-street parking requirements.

4.4.4. Damage or Destruction

- A. In the event of damage by fire or other causes to an extent exceeding 75% of its value, reconstruction of a nonconforming structure shall be permitted only in compliance with the dimensional provisions of this Ordinance.
- B. In the event of damage by fire or other causes to an extent of between 25% and 75% of its value, reconstruction of a nonconforming structure shall be permitted with the issuance of a variance by the Board of Adjustment.
- C. In the event of damage by fire or other causes to an extent of below 25% of its value, reconstruction of a nonconforming structure shall be permitted provided it is in
 - 1. in the same location and up to the same dimensions as originally existed; or
 - 2. in compliance with the current dimensional requirements.
- D. Nonconforming transmission towers existing as of [Effective Date] may be replaced if damaged by natural causes.

4.5 NONCONFORMING SIGNS

4.5.1. Definition

A nonconforming sign is a sign that was legally established subject to a lawfully issued permit in compliance with the applicable laws and ordinances in effect on the date of construction, but by reason of its size, height, location, design, or construction is no longer in compliance with the requirements of Section XX, "Signs", and has a valid Nonconforming Use Certificate. Nonconforming sign structures shall be included in this definition.

4.5.2. Permits Required

A Nonconforming Use Certificate shall be required for all nonconforming signs. A separate certificate shall be required for each nonconforming sign or sign structure.

4.5.3. Continuation of Nonconforming Signs

Nonconforming signs may remain in use, subject to the regulations of this section and all other applicable requirements of the County Code. Nonconforming signs must be maintained in good repair, and must comply with all other requirements of this Ordinance.

A. Modification or Relocation

- 1. Nonconforming signs may not be modified or altered, except that copy may be changed on an existing sign.
- 2. Nonconforming signs may not be moved on the site or relocated to another site, except in conformance with this Ordinance.

B. Reconstruction of Damaged Signs or Sign Structures

Any nonconforming sign or sign structure which has been damaged to an extent not exceeding 50%

of its value stated on the County tax roles may be repaired and used as before, provided all repairs are initiated within 90 days and completed within 120 days of such damage. However, if the County Building Inspector declares the sign structure unsafe, the owner of the sign or the owner of the property where the sign is located shall immediately correct all unsafe conditions to the satisfaction of the Inspector.

4.5.4. Discontinuance

- A. Nonconforming signs may not be rebuilt or repaired if it receives damage in the extent of 50% or more of its value stated on the County tax roles. Signs proven to be destroyed by vandalism may be replaced, but may not be modified or enlarged.
- B. Signs not meeting Ordinance requirements for which no Nonconforming Use Certificate has been issued shall lose their nonconforming status.

ARTICLE 5. ENFORCEMENT AND PENALTIES

5.1 PURPOSE

This Section sets forth the procedures by which the County seeks correction of violations of this Ordinance. It also sets forth the remedies and penalties the County may apply where necessary to ensure correction of violations. The provisions in this section are intended to encourage the voluntary correction of violations.

5.2 APPLICABILITY

The Zoning Administrator may revoke any permit or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of the permit or authorization, or for false statements or misrepresentations made in securing the permit or authorization, or if the permit or authorization was mistakenly granted in violation of applicable State or local law. If the Zoning Administrator determines an imminent hazard exists, he may summarily revoke this permit.

5.3 VIOLATIONS

Any failure to comply with a requirement, prohibition, or limitation imposed by the provisions of this Ordinance, or the terms and conditions of any permit or other authorization granted pursuant to this Ordinance, shall constitute a violation of this Ordinance.

5.4 RESPONSIBLE PERSONS

One or more of the following persons may be held responsible for a violation of this Ordinance and be subject to the remedies and penalties provided in this section:

- 5.4.1.** An architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance, and
- 5.4.2.** An owner of the property on which a violation of this Ordinance occurs, or any tenant or occupant of that property who has control over, or responsibility for, its use or development.

5.5 ENFORCEMENT PROCEDURES

5.5.1. Investigation

On receiving complaints or other information suggesting a violation of this Ordinance, the Zoning Administrator, or other official(s) designated by the Board of County Commissioners shall investigate the situation and determine whether a violation exists.

5.5.2. Initial Notice of Violation

- A.** On determining that a violation exists, the Zoning Administrator shall give the responsible person(s) written notice of the violation by personal delivery, or certified or registered mail, return receipt requested. The notice shall describe the nature of the violation, state the actions necessary to correct the violation, and invite the alleged violator to meet with the Zoning Administrator within ten days to discuss the violation and how it may be corrected. The Zoning Administrator may provide the alleged violator additional written notices of violation.
- B.** If reasonable attempts have been made to effect service of the written notice upon the responsible person(s) by personal delivery or certified or registered mail have been unsuccessful, then notice may be provided by posting the written notice upon the property in a conspicuous place for a period of not less than ten days.
- C.** Before revoking a permit or other authorization, the Zoning Administrator shall give the holder of the permit or authorization ten days notice of intent to revoke the permit or authorization. The notice shall state the reasons for the intended revocation and state that the holder may have an informal

Article 5 Enforcement and Penalties

5.5 Enforcement Procedures

hearing on the intended revocation before the Zoning Administrator. On revoking a permit or authorization, the Zoning Administrator shall give the holder of the permit or authorization a written notice of the revocation and the reasons for it.

5.5.3. Final Notice of Violation; Correction Order

The Zoning Administrator's final written notice of violation (which may be the initial notice) shall be served upon the responsible person(s) in the same manner as the Initial Notice of Violation and shall order correction of the violation not to exceed thirty 30 days, state which of the remedies and penalties authorized in Subsection 5.5.9 the Zoning Administrator may pursue if the violation is not corrected within the specified time limit, and state that the correction order may be appealed to the Board of Adjustment.

5.5.4. Reinstatement of Permit by Zoning Administrator

The holder of a revoked permit or authorization may, within 90 days after the revocation, submit to the Zoning Administrator a written request to reinstate the revoked permit or authorization. On determining that the conditions justifying the revocation have been eliminated and that the development fully complies with all applicable requirements of this Ordinance, the Zoning Administrator may reinstate the permit or authorization.

5.5.5. Appeal to the Board of Adjustment.

- A. Any person aggrieved by the Zoning Administrator's determination of a violation or correction order may appeal that determination or order to the Board of Adjustment in accordance with the provisions of Section 3.10, Appeal of Administrative Decision. As provided by that section, an appeal generally stays all further actions to enforce a correction order until the Board of Adjustment has decided the appeal.
- B. If the recipient of a correction order does not appeal the order to the Board of Adjustment within the time limit specified in Section 3.10, Appeal of Administrative Decision, that person may not later appeal to the Board of Adjustment the subsequent imposition of any remedy or penalty specified in the order.

5.5.6. Extension of Time Limit to Correct Violation

The recipient of a correction order, or the owner of the property on which the violation occurs, may submit to the Zoning Administrator a written request for extension of the order's specified time limit for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Zoning Administrator may extend the time limit as reasonably necessary to allow timely correction of the violation.

5.5.7. Enforcement Action after Time Limit to Correct Violation

Following the time limit for correction of the violation, including any stay or extension thereof, the Zoning Administrator shall determine whether the violation has been corrected. If the violation has been corrected, the Zoning Administrator shall take no further action against the alleged violator. If the violation has not been corrected, the Zoning Administrator may act to impose one or more of the remedies and penalties specified in the correction order.

5.5.8. Emergency Enforcement without Notice

If delay in correcting a violation would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Zoning Administrator may seek immediate enforcement without prior written notice through any of the remedies or penalties authorized in Subsection

5.5.9. Remedies and Penalties

The Zoning Administrator may pursue one or more of the following remedies and penalties to prevent, correct, or abate a violation of this Ordinance. Use of one of the authorized remedies and penalties does not preclude the Zoning Administrator from using any other authorized remedies or penalties, nor does it relieve any party to the imposition of one (remedy or penalty from imposition of any other authorized remedies or penalties.

A. Permit Revocation

In accordance with the provisions of Section 5.2 of this Ordinance and the provisions of N.C.G.S. 153A-362, the Zoning Administrator or Building Inspector may revoke any permit or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit or authorization granted under this Ordinance.

B. Permit Denial

As long as a violation of this Ordinance remains uncorrected, the Zoning Administrator may deny or withhold approval of any permit or other authorization provided for in this Ordinance that is sought for the property on which the violation occurs.

C. Civil Penalty

1. Violation of this Ordinance subjects the violator to a civil penalty in the amount of \$100.00. The Zoning Administrator may impose a civil penalty by giving the violator a written citation, either in person or by certified or registered mail, return receipt requested. The citation shall describe the nature of the violation, specify the amount of the civil penalty being imposed, and direct the violator to pay the civil penalty to the County within ten days of the date the citation is received. If the violator fails to either pay the civil penalty or correct the violation within this time limit, the Zoning Administrator may institute a civil action in the nature of a debt in a court of competent jurisdiction to recover the civil penalty.
2. For purposes of assessing the amount of a civil penalty, each day the violation remains uncorrected after receipt of the correction order (or the receipt of the citation itself in the case of emergency enforcement) shall constitute a separate violation that subjects the violator to additional civil penalty.

D. Criminal Penalty

As provided in Section 14-4 of the North Carolina General Statutes, violation of this Ordinance constitutes a misdemeanor, punishable by a fine of up to \$500.00.

E. Injunction and Abatement Order

The Zoning Administrator may institute action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the violator to correct or cease a violation of this Ordinance. Under Section 153A-123 of the North Carolina General Statutes, if the violator fails to comply with a court injunction or order of abatement and the County executes the order, the County will have a lien on the property on which the violation occurred for the County's costs in executing the order.

F. Other Equitable Relief

In addition to the above remedies and penalties, the Zoning Administrator may institute any other appropriate equitable action or proceeding in a court of competent jurisdiction to prevent, correct, or abate a violation of this Ordinance.

5.6 STORMWATER VIOLATIONS

Editor's note: is this going too?

5.6 Stormwater Violations

5.6.1. Notice of Violation

- A. Upon determining that a violation of an approved stormwater management plan or permit has occurred, the Stormwater Administrator shall deliver a written notice to the person(s) responsible for the violation by personal service or by registered or certified mail, return receipt requested, indicating the nature of the violation and ordering the action necessary to correct it. Such notice may require, without limitation:
 - 1. The performance of monitoring, analyses and reporting;
 - 2. The elimination of all illicit connections, practices, operations or discharges;
 - 3. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - 4. Payment of a fine or civil penalty; and/or
 - 5. The implementation of source control or treatment BMPs.
- B. The final notice of violation, which may also be the initial notice, shall in addition to the above, include the words FINAL NOTICE OF VIOLATION in the heading, state the action the County intends to take if the violation is not corrected, and shall advise that the Stormwater Administrator's order may be appealed as provided in Section 5.6.3.
- C. If abatement of a violation and/or remediation of affected property are required, the notice shall set forth a deadline by which such abatement and/or remediation must be completed.

5.6.2. Penalties, Fines and Remedies

A. Criminal Penalties

Any violation of any provision of this Stormwater Management Ordinance, including but not limited to illegal discharge, shall constitute a misdemeanor and subject the violator to a criminal fine of \$500 or imprisonment for up to 20 days as provided in N.C.G.S. §§14-4 and 15A-1340.23.

B. Civil Penalties

- 1. First time offenders will be assessed a civil penalty of \$100 per violation or per day for a continuing violation if the quantity of the discharge is equal to or less than five gallons and consists of domestic or household products. If the quantity of the discharge is greater than five gallons or contains non-domestic substances the offending party will be assessed a civil penalty of \$250 per violation or per day for a continuing violation.
- 2. Penalties imposed upon repeat offenders willfully committing violations which are identical or substantially similar to previous violations will be double the amount assessed for the prior violation, but will in no event exceed 10,000 per violation or per day for a continuing violation.
- 3. All other acts or conditions constituting a violation of this the stormwater provisions of this Ordinance (see Article 11, Stormwater Management) subject the offender to a civil penalty of \$200.00.
- 4. Each day a violation continues beyond the deadline for compliance established in the final notice of violation shall constitute a separate and distinct offense for purposes of the penalties and remedies provided herein.

5. The County may recover, by way of a civil action in the nature of a debt, any civil penalty not paid within 30 days of the violating party's receipt of written notice imposing such penalty, or within 30 days of that party's receiving written notice of a decision of the Board of County Commissioners, or the County Manager if no appeal is taken, affirming the imposition of the penalty.
6. In addition to the penalties and fines set forth above, the County may enforce the provisions of this Ordinance by seeking appropriate equitable remedies from the General Court of Justice, including injunctions and orders of abatement.
7. The assessment of a civil penalty may be appealed as provided in Section 5.6.3.

5.6.3. Appeals

- A. This section applies to all appeals except those concerning abatement by the County of situations dangerous or prejudicial to the public health which are discussed in Section 5.6.4 below. Any person aggrieved by a final decision of the Stormwater Administrator, including but not limited to the issuance of a notice of violation, denial of a permit or the assessment of civil penalties, may appeal that decision to the County Manager for the County of Brunswick. Such appeals shall be in writing, signed by the appealing party(ies) and shall identify with specificity the final decision being appealed, the date they received notice of that decision, and contain a detailed statement of the reason or basis for the appeal. All appeals shall be filed with the office of the County Manager within 15 days of receiving final notice of the Stormwater Administrator's decision. The time period for appeal from a decision of the Stormwater Administrator denying a permit will commence to run from the date of receipt of written notification of such denial. The time period for all other appeals from the Stormwater Administrator will commence to run from the date of receipt of the FINAL NOTICE OF VIOLATION. A hearing on an appeal to the County Manager will take place within ten working days of the date of filing of the notice of appeal.
- B. Any party(ies) not satisfied with the decision of the County Manager may appeal his/her decision to the Board of County Commissioners. Such appeals shall be filed with the Clerk of the Board of Commissioners within 15 days of receiving written notice of the County Manager's decision. All appeals must be in writing, signed by the appealing party(ies) and shall identify with specificity the final decision being appealed, the date they received notice of that decision, and contain a detailed statement of the reason or basis for the appeal.

5.6.4. Abatement by County of Situations Dangerous or Prejudicial to the Public Health

- A. Pursuant to the authority contained in N.C.G.S. §§153A-121 and 153A-140, the Stormwater Administrator is hereby authorized to require immediate abatement of any violation of the stormwater provisions of Article 11, Stormwater Management which is dangerous or prejudicial to the health, safety and welfare of the citizens of Brunswick County. If any person or entity feels that such order for immediate abatement is in error, they may appeal the order to the Board of County Commissioners within seven days of receiving written notice of the order in the manner required for an Appeal of Administrative Decision (see Section 3.10). Any person or entity aggrieved by a decision of the Board of Commissioners affirming an order of immediate abatement may appeal such decision to the Brunswick County Superior Court within thirty days of receiving written notification of such decision.
- B. If at any point the time for an appeal lapses and the violating condition still exists, the County shall have authority to enter upon such premises to remove, abate, or remedy everything that is dangerous or prejudicial to the public health. The cost of such actions taken by the County shall be paid by the person or entity in default within thirty days of receiving written notice of such costs. If these costs are not so paid, they shall thereafter become and constitute a lien upon the land or premises where the nuisance arose, and shall be collected as unpaid taxes.

Article 5 Enforcement and Penalties

5.6 Stormwater Violations

- C. No relief obtained by the County under this Section shall prevent the County from seeking other and further relief as authorized under this Section.

5.6.5. Acts Potentially Resulting in a Violation of the Federal Clean Water Act

Any person(s) whose acts or omissions constitute violations of the stormwater provisions of Article 11, Stormwater Management may also, by virtue of the same acts or omissions, be in violation of the Federal Clean Water Act and therefore subject to additional sanctions associated with that Act, including any civil and criminal penalties contained therein. Any enforcement action authorized under this Section shall also include written notice to the violator of such potential liability.

ARTICLE 6. ZONING DISTRICTS

6.1 DIVISION OF THE COUNTY INTO ZONING DISTRICTS; OFFICIAL ZONING MAPS

The County is hereby designated in Zoning Districts. The Zoning Districts are shown on the official Zoning Map of Brunswick County, which is a part of this Ordinance.

- 6.1.1. The official Zoning Map may consist of one or more map sheets.
- 6.1.2. The original reproducible map or map sheets comprising the official Zoning Map as well as any successor maps shall be signed by the County Manager and attested by the Clerk to the Board of County Commissioners.
- 6.1.3. In the event of amendment of any Zoning District boundaries set forth on the official Zoning Map, the change shall be certified by the County Manager and attested by the Clerk to the Board of County Commissioners with note as to the amending ordinance number, the date of amendment, and the nature of the change.

6.2 RULES FOR INTERPRETING DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the Districts as shown on the official Zoning Map, the following rules shall apply:

- 6.2.1. Where District boundaries are indicated as following the center lines of streets, highways, or alleys, such center lines shall be construed to be such boundaries.
- 6.2.2. Where District boundaries are indicated as approximately parallel to the center lines of streets or highways, such District boundaries shall be construed as being parallel to the centerline, and at such distance from the centerline as indicated on the official Zoning Map. If no distance is indicated specifically on the Zoning Map, the scale of the map shall determine.
- 6.2.3. Where District boundaries run to, but do not extend into water areas, and no separate Zoning District is shown over such waters and their minor land areas, they shall be considered to run into such water areas in a straight line, continuing the prevailing direction of the boundary as it approaches water, until they intersect other District boundaries or the jurisdictional limits. Boundaries which run through water courses, lakes, and other water areas, shall be assumed to be located midway in such water areas, unless otherwise indicated.
- 6.2.4. Where District boundaries are indicated as following platted lot lines, the lot lines shall be construed to be the District boundaries.
- 6.2.5. Where District boundaries divide platted lots or cross unsubdivided property, and where no specific dimensions are indicated on the official Zoning Map, the scale of the official Zoning Map shall control.
- 6.2.6. Where the street or property layout, or other physical features existing on the ground are at variance with the official Zoning Map, or where other uncertainties exist as to interpretation of the official Zoning Map, upon receipt of a written report from the Planning Board, the Board of Adjustment shall interpret the map in such a manner as to carry out the intent and purposes of this Ordinance.

6.3 CLASSIFICATION OF AREAS UNDER WATER AND OF AREAS NOT ELSEWHERE CLASSIFIED

- 6.3.1. All areas within the jurisdiction of the County which are under water and are not shown as included within any district shall be subject to all of the regulations of the District which immediately adjoins the water area. If the water area adjoins two or more Districts, the boundaries of each District shall be construed to extend into the water in a straight line until they meet the boundaries of another District or the jurisdictional limit.

Article 6 Zoning Districts

6.4 Zoning Districts Established

- 6.3.2.** All lands within the jurisdiction of Brunswick County which are not under water and are not shown as included within the limits of any district shall be considered to be in the R-7500-Residential District, until otherwise classified by amendment to this Ordinance.

6.4 ZONING DISTRICTS ESTABLISHED

In order to implement all purposes and provisions of this Ordinance and the adopted comprehensive plan, the following districts are hereby established:

Symbol	Name	Symbol	Status
Agricultural Districts			
AG	Agricultural		New District
Residential Districts			
RR	Rural Residential	RU R-10,000	Merged
R-7500	Low Density Residential	R-7,500	Unchanged
R-6000	Medium Density Residential	R-6,000 SBR-6000	Merged
MR-3200	Multifamily Residential	MR-3200	Unchanged
Commercial Districts			
C-LD	Commercial-Low Density	C-LD	Unchanged
C-N	Commercial-Neighborhood	NC	Renamed
C-I	Commercial-Intensive	C-M	Renamed
Industrial Districts			
I-RU	Industrial-Rural	RU-I	Renamed
I-G	Industrial-General	H-M	Renamed
Special Purpose Base Districts			
MI	Military Installation	MI	Unchanged
Overlay Districts			
ED	Economic Development		Unchanged
PUD	Planned Unit Development		Unchanged
TO	Transitional Office		New Overlay
CDS-1	Corridor Development Standards- 1		Renamed
CDS-2	Corridor Development Standards- 2		New Overlay
WQP	Water Quality Protection		Unchanged

6.5 GROUPING OF DISTRICTS

- 6.5.1.** Where the phrase “residential district” is used in this Ordinance, the phrase shall be construed to include the following districts:

- A. RR- Rural Residential
- B. R-7500 Low Density Residential
- C. R-6000 Medium Density Residential
- D. MR-3200 Multifamily Residential

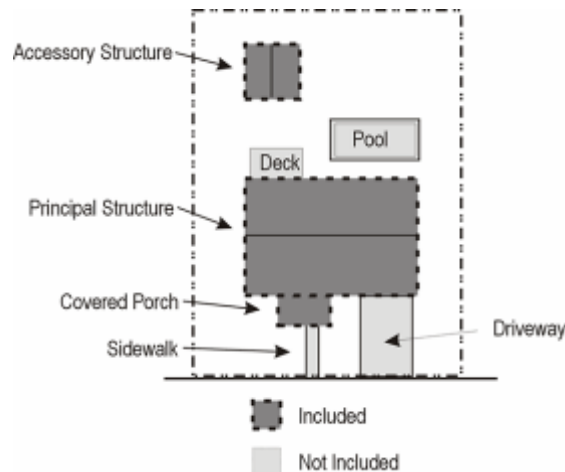
- 6.5.2.** Where the phrase “nonresidential district” is used in the UDO, the phrase shall be construed to include the following districts:

- A. AG- Agricultural
- B. C-LD Commercial Low Density
- C. C-N Commercial-Neighborhood
- D. C-I Commercial- Intensive
- E. I-RU Industrial-Rural
- F. I-G Industrial General

6.6 MEASUREMENT AND COMPUTATION

6.6.1 Lot Coverage

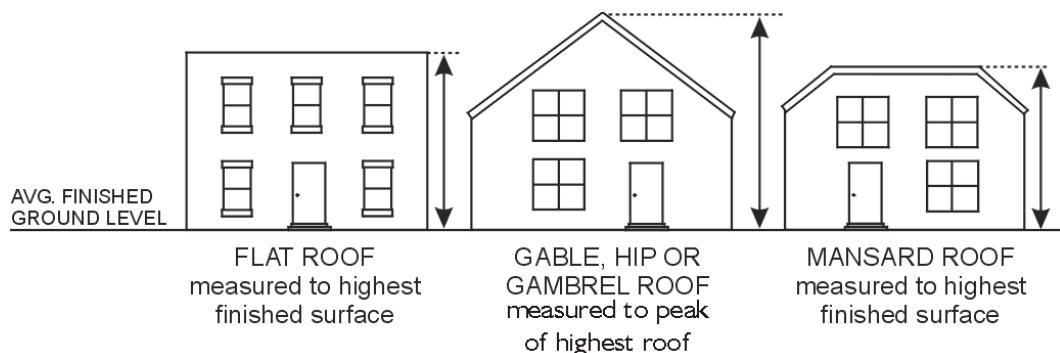
- A. The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings. With the exception of a manufactured home site, building coverage shall not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools, or roof overhangs of less than three feet.



- B. In any instance where a particular development is located in more than one district, the permitted lot coverage shall be separately computed for each district and no lot coverage may be transferred between districts.

6.6.2 Height

- A. Height shall be measured from the average of the finished ground level to the highest point of the roof or structure.



- B. The height limitations shall not apply to:
1. Bona fide farm buildings other than dwelling units or other residential uses;
 2. Steeples on places of worship;
 3. Strictly ornamental features such as belfries, parapets, roof screens and widows watches less than four feet;
 4. Air conditioning units screened from view;
 5. Utility poles;
 6. Mechanical features;
 7. Lightning rods;
 8. Antennas (not including WTF facilities Section 7.3.4.N); and
 9. Water tanks
- C. Any building or structure intended for human occupation exceeding 40 feet in height must obtain approval from the fire marshal prior to the issuance of a building permit. The fire marshal may stipulate special fire protection measures in accordance with National Fire Protection Association and International Building Code criteria as a condition of approval of a structure.

D. Permitted Height Obstructions

The following shall not be considered obstructions and may therefore exceed the maximum height provision otherwise applicable within a district.

1. In all districts

- i. Chimneys or flues extending not more than three feet above the roofline.
- ii. Ornamental church towers, spires, and belfries.
- iii. Parapet walls not more than two feet high.

2. In all Nonresidential districts

In all nonresidential districts, the following shall be included in the list of obstructions permitted:

- i. Chimneys or flues not more than ten feet above the roofline.
- ii. Elevator or stair bulkheads, roof water tanks, or cooling towers.
- iii. Aerial and antennas (not including WTF facilities Section 7.3.4.N).
- iv. Parapet walls not more than four feet high.
- v. With the exception of wireless communication facilities, other appurtenances usually required to be placed above roof level and not intended for human occupancy.

3. Flags and Flagpoles

i. Descriptions

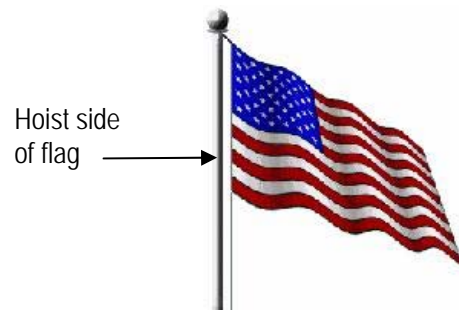
- (a) The term flag in this section shall mean a piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words, or emblems used as a symbol of an organization or entity, including but not limited to political jurisdictions, such as the United States.
- (b) Flags displaying a logo, message, statement, or expression relating to commercial interests, and banners otherwise not meeting the definition of a flag shall also conform to all sign regulations in Article 12, Signs.

- (c) Reference to flagpole height refers to vertical flagpoles.
- (d) References to the number of flags and flagpoles and flag dimensions refer to both vertical flagpoles and mast arm flagpoles, such as staffs extending at an angle from a building.
- (e) Reference to flagpole height refers to the distance to the top of the flagpole from the ground.

ii. Requirements

- (a) Except as otherwise provided herein flags shall be displayed on flagpoles.
- (b) In nonresidential zoning districts, flagpoles shall not exceed the maximum height allowed in the zoning district or 70 feet, whichever is less.
- (c) In residential districts, flagpoles shall not exceed 25 feet in height unless a special use permit is granted by the Board of Adjustment. A fee shall not be charged for a use permit request for a flag in a residential district.
- (d) A vertical flag pole shall be set back from all property boundaries a distance which is at least equal to the height of the pole.
- (e) The maximum dimensions of any flag shall be proportional to the flagpole height. The hoist side of the flag shall not exceed 20% of the vertical height of the pole. In addition, flags are subject to the following dimensional limitations.

Pole Height (feet)	Max. Flag Size (square feet)
Up to 25	24
25 to 29	28
30 to 34	40
35 to 39	60
40 to 49	96
50 to 59	150
60 to 70	216



- (f) Each property shall be allowed a maximum of three flagpoles unless a special use permit is granted by the Board of Adjustment.
- (g) A maximum of three flags shall be allowed per flagpole.
- (h) The flag and flagpole shall be maintained in good repair. A flagpole with broken halyards shall not be used and flags which are torn or frayed shall not be displayed.
- (i) On United States and North Carolina holidays, there shall be no maximum flag size or number or other limitations on manner of display.
- (j) This section shall not be interpreted to restrict the right to display eligible flags as banners or noncommercial signage under Article 12, Signs. Flags mounted directly on a building wall shall expressly be considered signs and shall be subject to Article 12, Signs.

6.6.3. Ground Floor Elevation

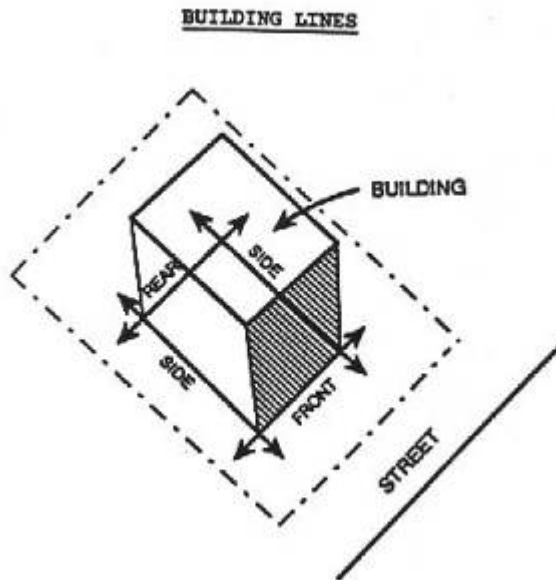
Ground floor elevation shall be measured from top of the fronting sidewalk or roadway to the top of the finished ground floor.

6.6.4. Building Width

Building width shall be measured by the distance along the front plane of any building (as determined by the location of an entrance fronting on a street).

6.6.5. Building Lines

Building lines are tangent to the exterior surface of a building or structure, parallel to front, side and rear lot lines. These are referred to as front, side and rear building lines, respectively.



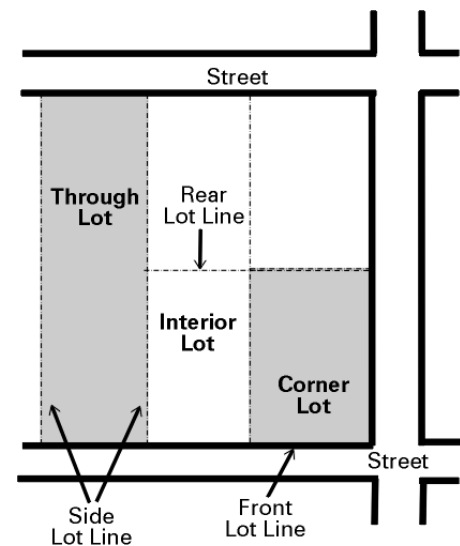
6.6.6. Lot Type, Width, and Depth

A. Lot Type

Within the County, the various types of lots shall be classified as shown in the graphic at right:

B. Lot Line Equivalent

The following provisions shall apply in the determination of a lot line equivalent.

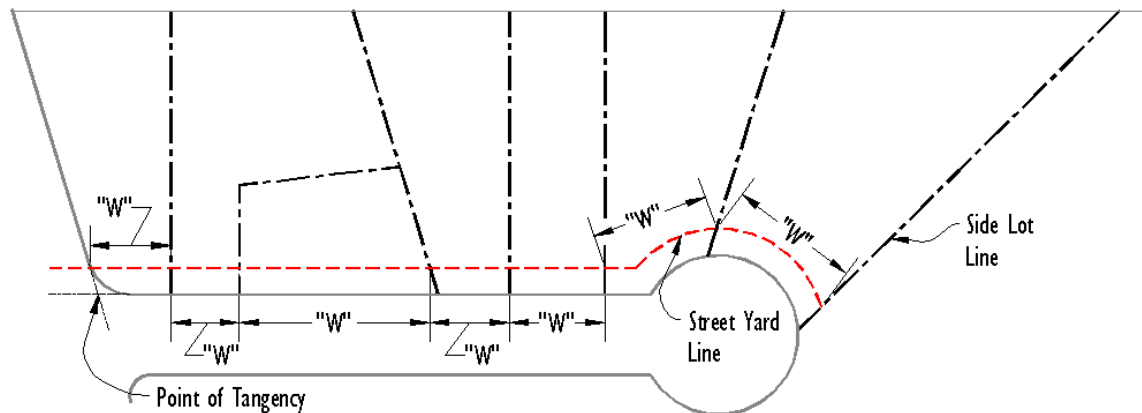


1. A front lot line equivalent is a straight line joining the foremost points of the side lot lines. In the case of rounded property corners at street intersections, the foremost point of a side lot line shall be assumed to be the point at which the side and the front lot line would have met without such rounding.
2. In the case of "through lots" (also referred to as "double frontage lots"), the lot shall be considered to have two front lot lines on each street frontage.
3. A rear lot line equivalent is a straight line joining the rearmost points of the side lot lines.
4. A side lot line equivalent is a straight line joining the ends of the front yard line and the rear yard line on the same side of the zone lot.

C. Lot Width

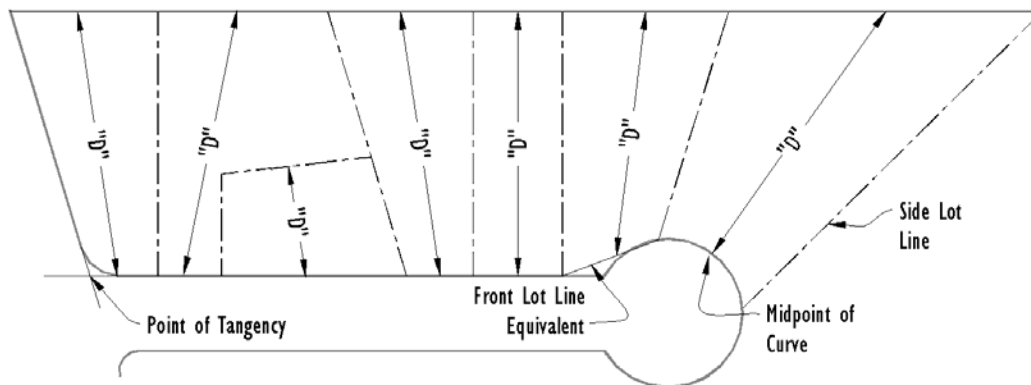
1. Lot width shall be measured by the distance between the side lot lines (generally running perpendicular to a street), measured at the point of the front yard along a straight line parallel to the front of the property line or to the chord of the front property line.
2. Except for cul-de-sacs, lot width (where they intersect with street line) may not be less than 80% of the minimum required width for the district. In the case of lots on the turning circle of cul-de-sacs, lot widths may be 50% of district requirements.

Commentary: In the graphic below, the measurement for lot width is indicated by the "W"



D. Lot Depth

Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the front and the rear. On corner lots, the street side lot line is considered to extend to the point of tangency with the front lot line. On lots located on the interior of a cul-de-sac, the front most measurement point is assumed to be the midpoint of the curve between the side lot lines.



Commentary: In the graphic above, the measurement for lot depth is indicated by the "D"

6.6.7. Lot Area

- A. Lot area refers to the entire horizontal land area of a zone lot, measured in gross square feet. The minimum development area requirements may require a lot larger than the minimum lot area required.
- B. Minimum lot area shall be exclusive of public right-of-way or private streets.
- C. In a residential development project, a single remaining lot (not allocated to any other dwellings) that is at least 75% of the minimum required lot size may be built upon if all other dimensional requirements can be satisfied on the lot. Lots smaller than 75% of the minimum may not be built upon.

6.6.8. Density (Density)

Commentary: *This includes residential development in nonresidential districts and mixed-use projects.*

A. Definition

Density refers to the number of dwelling units per unit of land area. For residential development, density is determined by dividing the total area (in acres) of the zone lot by the “development area per dwelling or rooming unit”. The entirety of a lot is included in the calculation including, but not limited to, wetlands, ponds and marsh. The maximum density established for a district is not a guarantee that such densities may be obtained, nor, shall the inability of a development to achieve the stated maximum density be considered sufficient justification for varying or otherwise adjusting other density or dimensional requirements.

B. Density Transfer

In any instance where a particular development is located in more than one district the density shall be separately computed for each district and no density may be transferred between districts.

6.6.9. Yards**A. General**

- 1. Every part of a required yard shall be open and unobstructed from 30 inches above the general ground level of the graded lot upward to the sky except as permitted in Section 6.6.9.E, below.
- 2. Except as may be expressly permitted as part of a Planned Unit Development (Section 6.11.4), no part of a required yard may be included as part of a yard for any other building.
- 3. Yards or lots in existence prior to the adoption of this Ordinance may not be reduced below the minimum dimensions required by this Ordinance unless specifically exempted by Article 4, Nonconformities.

B. Types of Yards

- 1. There are three types of yards – front, side, and rear.
- 2. On a corner lot, the side yard adjacent to a street shall meet the street side yard dimensional requirement. In general, the street side yard shall be the yard on the street with a lower classification.
- 3. On a through lot (or double frontage lot), the lot shall have two front yards instead of one front and one rear yard. A front yard shall exist on each portion of the lot fronting on a street.

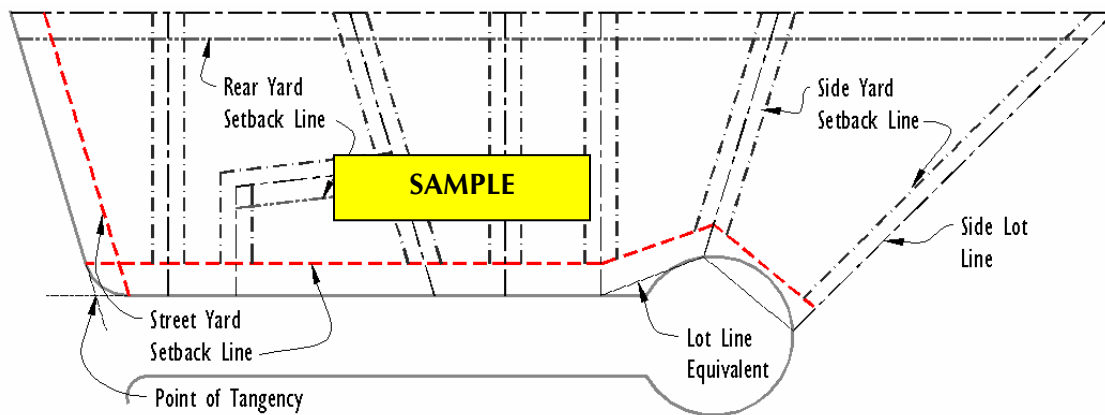
C. Measurement of Yards

- 1. The depth of a required yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines, in the case of rounded property corners at street intersections, shall be the point of tangency of the lot lines.

2. The inner edge of the required side yard is parallel to the side lot line.
3. The inner edge of the required rear yard is parallel to the rear lot line.

D. Reduction in Required Front Yard

The minimum required front yard may be decreased if the width of the required buffer is increased by the same amount. See Section 9.2.8, Street Buffers, for standards relating to buffers.



E. Permitted Obstruction in Required Yards

In all districts, the following shall not be considered obstructions when located within a required yard, except that these items shall not be permitted to violate the provisions of Section 8.2.4, Clear Site Triangle.

1. In any Required Yard:

- i. Sidewalks, uncovered steps and handicapped access ramps.
- ii. Plantings and vegetation, arbors and trellises, open terraces, including natural plant landscaping.
- iii. Awnings or canopies projecting up to six feet from a building wall, provided that the awning has no supports other than provided by the wall or its integral part.
- iv. Cornices, eaves, and awnings may extend up to five feet into any required yard, but shall remain at least two feet from the property line, except on zero lot line homes.
- v. Bay windows, entrances, balconies, and similar features that are less than ten feet wide may extend up to one and one-half feet into any required yard, but shall remain at least six feet from the property line.
- vi. Chimneys projecting not more than three feet into and not exceeding two percent of the area, of the required yard.
- vii. Fire escapes or staircases may project no more than eight feet into the required yard.
- viii. Directional signs may be installed in conformance with Article 11
- ix. Driveways that meet the requirements of this Ordinance.
- x. Flagpoles having only one structural ground member.
- xi. Mailboxes.
- xii. Project boundary buffers (See Section 9.2.2.B) and street buffers (See Section 9.2.2.A)
- xiii. Fountains, sculpture or other similar objects of art.

- xiv. Street furniture such as, but not limited to benches, drinking fountains, trash receptacles, ash trays, light standards.
- xv. Retaining walls no more than six feet in height.
- xvi. Security gates and guard stations

2. In any Required Side or Rear Yard:

- i. When screened from adjacent residential dwellings, at-grade patios, decks or uncovered terraces may extend up to four feet into any required side yard, or up to eight feet into any required front yard, or within ten feet of a rear property line.
- ii. Clothes poles or clothes lines associated with residential uses.
- iii. Recreational equipment.
- iv. Mechanical equipment for residential uses, such as HVAC units, may extend into any required side yard but shall remain at least six feet from the property line.

6.6.10. Fractional Requirements

When any requirement of these regulations results in a fraction of a dwelling unit or other measurement, that fraction shall be disregarded and the next highest whole number shall apply.

6.7 AGRICULTURAL AND RESIDENTIAL ZONING DISTRICTS

6.7.1. Agricultural District Intent Statement

A. AG: Agricultural

The Agricultural District is intended to provide for farming and silviculture operations and related activities. Very low density residential development and certain civic development may also be appropriate.

6.7.2. Residential District Intent Statements

A. RR: Rural Residential

The Rural Residential District is intended to accommodate low density residential development, as well as certain commercial and manufacturing uses. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal, respectively, although clustered residential development served by public water and wastewater systems may be allowed.

B. R-7500 and R-6000

The R-7500 and R-6000 districts are established to provide for orderly suburban residential development. A limited number of commercial and civic uses are allowed, subject to the restrictions necessary to preserve and protect the residential character of the neighborhood. To encourage higher quality development and to ensure greater environmental protection, Alternative Subdivisions are permitted by right. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities,

C. MR-3200

This district is established as an area in which the principal use of the land is for high density residential purposes, not to exceed fourteen dwelling units per acre. The district also provides for the development of less intensive residential uses, as well as for compatible supporting non-residential uses. Due to the higher intensity developments contained in this district, it is intended to be applied to properties served by public sewer and water systems.

6.7.3. Subdivision Types

Development within the residential districts allows a variety of subdivision types. Two types of subdivisions are permitted, as follows.

A. Conventional Subdivision

Conventional subdivision is a pattern of residential development that provides a majority of property owners with substantial yards on their own property.

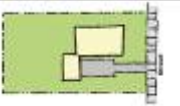

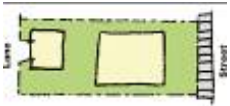
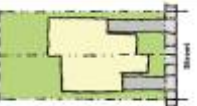

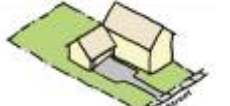



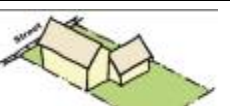


B. Alternative Subdivision

Planned subdivisions trade smaller lot sizes (with smaller yards) for additional common open space. An Alternative Subdivision shall be a minimum size to ensure sufficient open space can be incorporated into the subdivision design. An Alternative Subdivision allows additional density provided certain enhancements are incorporated into the design of the subdivision.

6.7.4. Housing Types

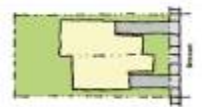

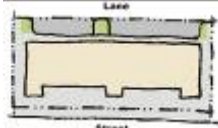
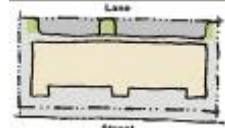


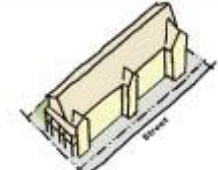
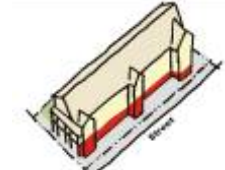
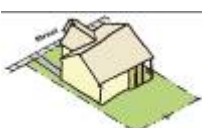
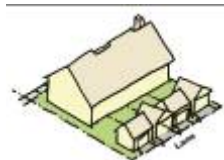
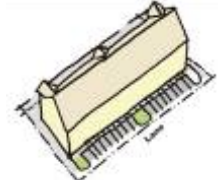
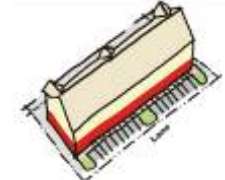
A. Definitions

The following housing types are established to provide a common terminology for housing in the County. All drawings are for illustrative purposes only.

Single Family Detached	Zero Lot Line	Traditional House	Semi-Attached House
A dwelling unit located on a single lot with private yards on all four sides	A dwelling unit located on a single lot with private yards on three sides. The unit has only a single side yard comprising the equivalent of two side yards of a single-family detached house.	A dwelling unit located on a single lot with private yards on all four sides; however, the house shall be set much closer to the street than a single-family detached house.	Two attached single-family units located on two lots that share a common wall along the lot line, providing for fee-simple ownership.
			
			
			

Article 6 Zoning Districts

6.7 Agricultural and Residential Zoning Districts

Duplex	Townhouse	Multifamily	Upper-Story Residential
Two attached dwelling units in a single structure on a single lot. The two units can be located on separate floors or side-by-side.	Three or more attached single-family units located on separately owned lots where the units are lined up in a row and share side walls, individual units can be mixed vertically.	Three or more units in a single structure on a single lot. Multifamily can vary in height from two to four stories (or higher subject to conditions); individual units can be mixed vertically.	A residential dwelling unit located on a floor above a nonresidential use
			
			
			

6.7.5. Permitted Uses

Only uses specifically listed in the use table in Section 7.2 as a permitted ("P"), permitted subject to limited use standards ("L"), or permitted subject to special exception permit ("S-PB" or "S-BA") shall be permitted in Residential districts.

6.7.6. Conventional Subdivision Standards

A. Applicability

Conventional subdivisions shall be permitted in all residential districts. Applicants shall comply with all other provisions in this Ordinance and all other applicable laws, except those that are incompatible with the provisions contained herein.

B. Dimensional Standards

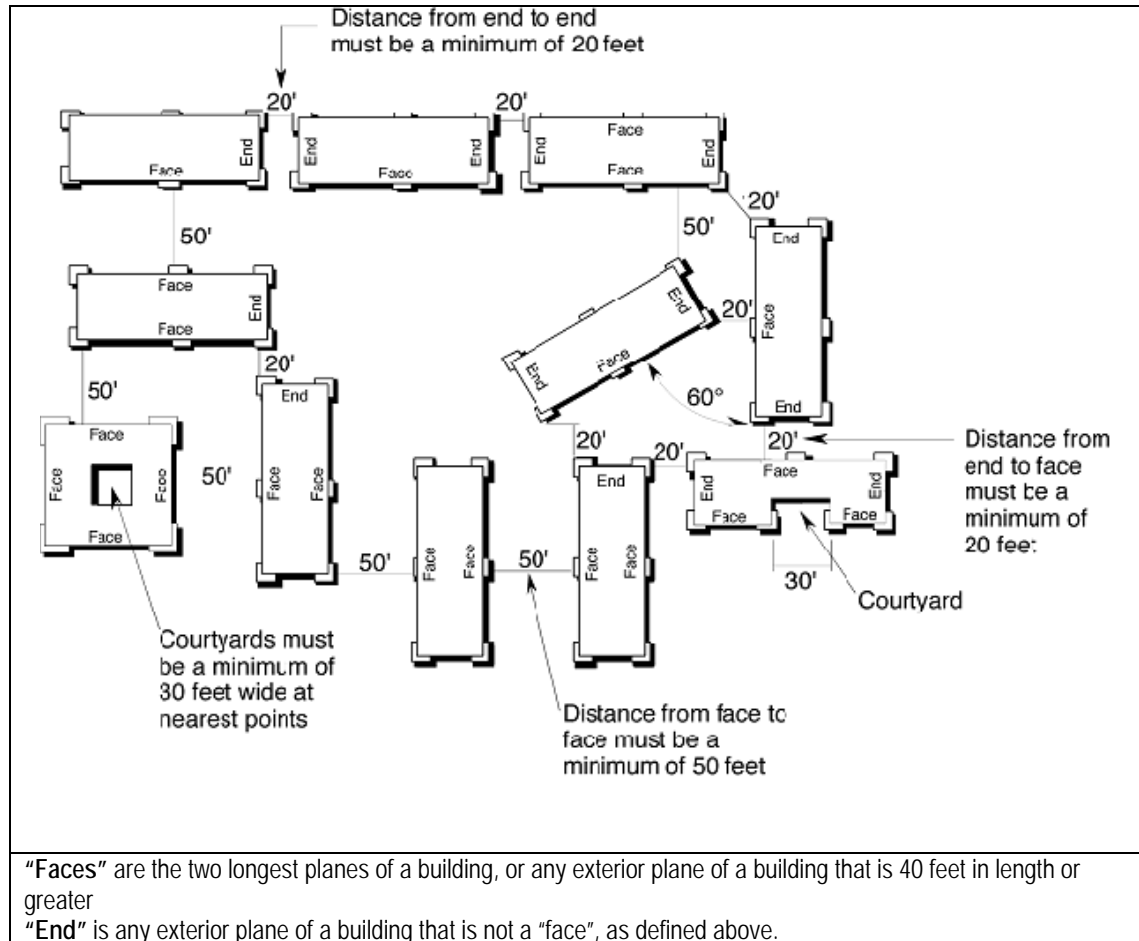
Applicants utilizing the conventional subdivision option shall meet the following standards.

6.7 Agricultural and Residential Zoning Districts

Conventional Subdivision	AG	RR	R-7500	R-6000	MR-3200
Lot Dimensions (w/o water & wastewater)					
Lot width (min. ft.)	100	75	75	60	70 ²
Lot area (min. s.f.)	43,560	20,000	15,000	10,000	7,000 ²
Density ⁶	1.0	2.8	2.9	4.4	6.2
Lot Dimensions (with water & wastewater)					
Lot width (min. ft.)	80	75	75	60	50
Lot area (min. s.f.)	43,560	15,000	7,500	6,000	3,200 ²
Density ⁶	1.0	2.9	5.8	7.3	13.6
Yards (min. ft.)					
Front Yard	50	50	25	25	25
Rear Yard	50	50	9	9	20
<i>Side yard</i>					
One Yard	15	10	5	5	5
Total	40	25	10	10	12
Street Side Yard	15	15	15	15 ¹	15
Bulk (maximum)					
Height (feet)	40 ³	40	40	40	40 ³
Building coverage	35%	35%	35%	35%	40%
Impervious surface	40%	40%	40%	40%	45%
Open Space (Percent of Gross Area)	3 ^{4,5}	3 ^{4,5}	5 ⁵	7 ⁵	15 ⁵
Notes: ¹ Lots of record [legally platted prior to January 1, 1994] with a width of less than 60 feet may reduce street side yard requirements to 12 feet. ² Per dwelling unit. ³ If the building or structure is equipped with an internal fire suppression system, with a smoke or fire detection system, and with a fire alarm system, all complying with the North Carolina State Building Code, the Planning Director may permit additional building height up to ten additional feet of height at the rate of one additional foot of height for every one foot of additional yard depth (side, front, and rear). ⁴ Within the AG and RR Districts open space on individual lots may be counted towards the total required provided that the open space is protected under a permanent conservation easement. ⁵ Projects under 25 acres or 100 units may not be required to dedicate open space. See Section 6.7.7 below. ⁶ Approximate density (units per acre) is shown and figures have been rounded to the next highest tenth. Density calculated by dividing 43,560 (1 acre) by the minimum lot area.					

C. Standard Minimum Separation between Buildings

1. In a conventional subdivision, the minimum required separation between a building which has windows facing another building shall be as follows:



2. Exemptions

- i. These spacing requirements shall not apply to structures in an Alternative Subdivision.
- ii. Buildings and structures located within a Bona Fide farm property and all accessory buildings and structures shall be exempt from these requirements. However, these requirements shall continue to apply between buildings and structures located on adjacent properties.

6.7.7. Open Space and Recreation Area

Commentary: In order to prevent the possibility of ending up with random leftover slivers of land and the inefficient provision of open space, projects not meeting the threshold requirements below are not required to dedicate open space.

A. Description

1. Open Space

- i. All open space shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces. Unoccupied or predominately unoccupied by buildings or other impervious surfaces shall mean that not more than five percent of the area of any required

open space shall be occupied by such surfaces. Open space shall be identified on plats as being permanently set aside. Except in the AG or RR districts, Open space shall be exclusive of any individual lots.

- ii. Uses of open space may include the following:
 - (a) Conservation areas for natural, archeological or historical resources;
 - (b) Ecologically sensitive wetlands such as marsh, Carolina Bays, pocosins and swamps;
 - (c) Bona fide agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
 - (d) Walking or bicycle trails, provided they are constructed of pervious paving materials;
 - (e) Water trails;
 - (f) Landscaped stormwater management facilities;
 - (g) Easements for drainage, access, and underground utility lines; and
 - (h) Other conservation-oriented uses compatible with the purposes of these regulations.
 - (i) Up to 75% of a golf course may be included in the calculations for useable open space.
- iii. Open space may not include the following:
 - (a) Roads, parking lots and impervious surfaces, except as specifically authorized; and
 - (b) Agricultural and forestry activities not conducted according to accepted best management practices.

2. Usable Recreation Area

- i. Usable recreation area shall be useable land devoted to recreation and amenities for the residents of an subdivision. Usable recreation area shall be identified on plats as being permanently set aside.
- ii. Usable recreation space uses may include, but are not limited to:
 - (a) Walking or bicycling trails;
 - (b) Passive recreation areas, including pocket parks;
 - (c) Ball fields and playgrounds;
 - (d) Tot lots; and
 - (e) Golf course, clubhouses, swimming pools, tennis courts and other similar facilities used in common and made available to the residents of the entire subdivision.
- iii. Usable recreation space shall be situated so as to provide perpetual recreation benefit to the overall development.

Commentary: *Un-usable recreation areas are spaces that are unsuitable for recreational uses such as wetlands, areas with very steep slopes, and sensitive natural habitat and other unsuitable areas.*

B. Certain Areas to be Reserved

Editor's note: Leslie- we need to clarify this. Have I interpreted correctly that the County wants to REQUIRE reservation of these areas?

The following shall be included within the common area of the subdivision, regardless of whether reservation of these areas would exceed the minimum open space dedication requirements.

- 1. The 100-year floodplain;
- 2. Stream buffer areas of at least 100 feet in width along each side of all perennial and at least 50 feet in width along each side of all intermittent streams;

3. Slopes above 25 percent of at least 5,000 square feet contiguous area; and
4. Jurisdictional wetlands under federal law (Section 404) that meet the definition applied by the U.S. Army Corps of Engineers.
5. Greenways, waterways, parkland, and other public use areas shown on the most recently adopted County-Wide Greenways Master Plan. Copies of the most recent Plan may be obtained from the Planning Department. The following standards shall apply to lands so reserved:

Commentary: *The Brunswick Tomorrow Plan and the Greenways Master Plan envision an interconnected network of land and waterway trails and parks across the County. These should provide safe access for both users of the system **and** emergency responders.*

- i. Greenways, waterways, and trails reserved in conformance with the County-wide Greenways Master Plan shall be situated to best implement the intent of the Greenways Master Plan.
- ii. Greenways, waterways, parkland, and other public use areas shown on the most recently adopted County-Wide Greenways Master Plan shall be made accessible to the general public.
- iii. Where a greenway, waterway, park, or other public use area can not be connected to an existing public use area providing reasonable public access within one mile (measured along a trail or waterway), the provision of public access shall be required.

C. Amounts of Open Space and Recreation Area to be Provided

1. Minimum Usable Recreation Area

Unless specifically reduced by the Planning Director, at least 12.5% of the minimum open space must be in the form of usable recreation area.

2. Minimum Dedication Requirements

- i. All manufactured home park subdivisions, regardless of size, shall provide open space in accordance with the percentages listed in the table.
- ii. All residential projects that will have at least 50 dwelling units or occupy at least 25 acres at final build out shall provide open space in accordance with the percentages listed in the table. For purposes of this requirement, the thresholds will be the cumulative size and/or number of units for projects that:
 - (a) Share features such as site access or other roadways, design elements, or other infrastructure with nearby unbuilt, but reasonably foreseeable developments; and
 - (b) When complete, will function in conjunction with such nearby developments as a single project, the impact of which would exceed the thresholds for the provision of open space.

Commentary: *This is to capture phased or separate developments that may, when taken in part fall under the thresholds, but taken in whole will meet the threshold.*

iii. Developments Above Standard Densities

When any development (including an Alternative Subdivision, a Planned Unit Development, or a mixed use development) is constructed that will result in a density that exceeds the maximum density allowed in the base zoning district (calculated by dividing 43,560 by the minimum lot size in the base district), open space shall be provided in accordance with the following table:

Density (Units per Acre)	Percent Open Space (minimum)
0-1.5	5
1.51-2.0	10
2.01-2.5	15
2.51-3.0	20
3.01-3.5	25
3.51 up	30

D. Minimum Standards

In order to be included in the calculation for required open space, the following minimum dimensions shall be satisfied:

1. Open space shall have a minimum horizontal dimension of 15 feet.
2. Open space shall be directly accessible from a roadway.
3. No individual open space shall have a minimum area of less than 2,000 square feet.

E. Ownership and Management of Open and Recreation Area

A homeowners association representing residents of the subdivision shall own the open and recreation area. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open and recreation area and any facilities shall be borne by the Homeowner's Association.

6.7.8. Density Bonus**A. Affordable Housing Density Bonus****1. Applicability**

- i. This program may be utilized at the time of site plan or subdivision for projects with a minimum of 15 units or projects adding at least 15 units to an existing development in a R-6000, MR-3200 or C-N District utilizing "Conventional Subdivision" or any development utilizing the "Alternative Subdivision", except projects that are 100% "affordable" by the United States Department of Housing and Urban Development (HUD) standards shall not be eligible to utilize the bonus.
- ii. At least 15% of the units shall have payments affordable to persons and families with annual incomes at or below 60% of the area median family income by family size, according to target income limits set by HUD for Brunswick County.

2. Bonus Program

- i. A density bonus of up to 15% may be granted by the Planning Board for projects providing units affordable to persons with incomes between 50% and 60% of the median family income for the jurisdiction.
- ii. A density bonus of up to 20% may be granted by the Planning Board for projects providing units affordable to persons with incomes below 50% of the median family income for the jurisdiction.
- iii. Affordable units shall be incorporated throughout the project, and shall not be distinguishable from market-rate units through location, grouping, design or other physical characteristics.
- iv. In single-family and duplex developments, lot sizes and yard requirements in internal lots may be reduced up to 20% in order to incorporate the additional units; however, no decrease in lot size or yard requirements in perimeter lots shall be permitted.

- v. Units added through this program shall not increase the amount of open space otherwise required for the project.
- vi. Affordability limits in rental units shall be adhered to for a minimum of 15 years. An annual report shall be provided by the project developer or manager to the Housing and Community Development Director which identifies the incomes of persons residing in the affordable units, and the rents or initial sales price being charged, to verify these are within the established limits.
- vii. Affordability in for-sale units shall be required to be adhered to only in the initial sale.
- viii. Compliance measures may be required at the time of approval, including but not limited to contracts, restrictive covenants, deed restrictions, and stipulated penalties.

B. Public Facility Density Bonus

1. Applicability

This program may be utilized at the time of site plan or subdivision for land developed under the Alternative Subdivision standards, which shall include lands developed as a PUD.

2. Bonus Program

- i. An development may be granted a one-to-one density bonus by the Planning Board for land dedication for the construction of public facilities provided all of the following conditions are met:
 - (a) The developer shall first prepare a deed of dedication of the land to the County;
 - (b) The County has accepted the deed of dedication; and
 - (c) The land dedicated is suitable and reasonably sufficient to allow for the construction of a public facility such as a school, park, fire department, police station, or other public use.
- ii. In such cases, certification of the need for the proposed public facility(ies) shall be required and must be approved by the Board of County Commissioners, and
- iii. Planning Board approval of a density increase shall be required..

6.7.9. Alternative Subdivision/Planned Unit Development

A. Intent

The intent of an Alternative Subdivision is to provide a development alternative to a conventional subdivision. An Alternative Subdivision involves placing a cluster of home sites within a portion of the development site, allowing housing units on smaller lots than those permitted in a conventional subdivision to promote environmental sensitivity, make more efficient use of the land and provide additional common open space. Other purposes of an Alternative Subdivision include the following:

- 1. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- 2. To protect prime agricultural land and preserve farming as an economic activity.
- 3. To permit clustering of houses and structures in a manner that will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- 4. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- 5. To protect scenic views.

6. To promote interconnected greenways and corridors throughout the Brunswick community in accordance with the County-Wide Greenways Master Plan.
7. To create contiguous greenspace within and adjacent to the development site.
8. To preserve important historic and archaeological sites.

Commentary: Certain Alternative Subdivisions would be allowed "by right" if they meet certain criteria (see the tables on the following page) . Other Alternative Subdivisions would require the applicant to go through the Planned Unit Development approval process. For example, you would be allowed to put a clustered single family development in the RR District by right, but you would have to go through the PUD process if you wanted to include townhouses in the same development in the RR District.

B. Applicability

1. General

Applicants shall comply with all other provisions of this Ordinance and all other applicable laws, except those that are incompatible with the provisions contained herein.

2. By Right

Unless PUD approval is required (indicated by note "PUD Required" in the Alternative Subdivision Dimensional Table", a planned subdivision designed in conformance with the minimum standards in this Section and other applicable UDO requirements shall be permitted by right in all residential Zoning Districts.

C. Open Space and Recreation Area

Open space and recreation area shall be provided as required in the base district (see Section 6.7.7).

D. Water and Wastewater

Applicants not connecting to public or community water and sewer service shall require a PUD permit subject to 3.7.

E. Ownership of Development Site

The development site to be subdivided may be held in single ownership or in multiple ownership. If held in multiple ownership, the site shall be developed according to a single plan with common authority and common responsibility.

F. Dimensional Standards

Applicants utilizing the Alternative Subdivision option shall meet the following standards.

G. Alternative Subdivision Dimensional Table




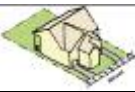
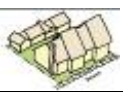




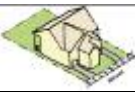
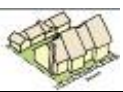

The following table(s) indicate the dimensional requirements for a development using the Alternative Subdivision standards.

1. Description of Terms











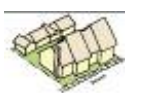
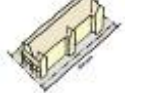
- i. Standards under the heading "Entire Development" apply to the whole of the proposed development. For instance in the AG District, the entire development must be at least 100 acres.
- ii. Standards under the heading "Individual Lots" apply to each residential lot within the proposed subdivision.
- iii. Proposed Housing Types where the note "PUD Required" is indicated shall be required to obtain Planned Unit Development approval subject to Section 3.7.
- iv. Proposed Housing Types where the note "Not Permitted" is indicated are prohibited in the subject zoning district

Article 6 Zoning Districts

6.7 Agricultural and Residential Zoning Districts





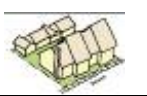
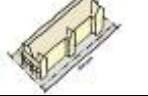
	Single-Family Detached or Zero Lot Line	Traditional House	Semi-Attached House	Duplex	Townhouse	Multifamily (Rental or Condominium)
AG						
<i>Entire Development</i>						
Density (minimum)	2.2	2.2	2.2	2.2	Not Permitted	Not Permitted
Size (minimum acres)	100	100	100	100	Not Permitted	Not Permitted
<i>Individual Lots</i>						
<i>Dimensions</i>						
Lot area (minimum)	13,750	PUD REQUIRED	PUD REQUIRED	PUD REQUIRED	--	--
Lot width (minimum)	65				--	--
<i>Yards</i> (minimum)						
Front yard	40	--	--	--	--	--
Rear yard	40	--	--	--	--	--
<i>Side yard</i>						
Side yard	12 ¹	--	--	--	--	--
Street side yard	12	--	--	--	--	--
<i>Bulk</i> (maximum)						
Height (feet)	40	--	--	--	--	--
Building coverage	35%	--	--	--	--	--
Impervious surface	40%	--	--	--	--	--
RR						
<i>Entire Development</i>						
Density	3.5	3.5	3.5	3.5	3.5	Not Permitted
Size (acres)	25	25	25	25	25	Not Permitted
<i>Individual Lots</i>						
<i>Dimensions</i>						
Lot area (minimum)	8,750	7,500	PUD REQUIRED	PUD REQUIRED	PUD REQUIRED	--
Lot width (minimum)	55	48				--
<i>Yards</i> (minimum)						
Front yard	18	15	--	--	--	--
Rear yard	18	15	--	--	--	--
<i>Side yard</i>						
One yard	7 ¹	6	--	--	--	--
Total side yard	18	15	--	--	--	--
Street side yard	12	12	--	--	--	--
<i>Bulk</i> (maximum)						
Height (feet)	40	40	--	--	--	--
Building coverage	35%	35%	--	--	--	--
Impervious surface	40%	40%	--	--	--	--

Article 6 Zoning Districts
6.7 Agricultural and Residential Zoning Districts

	Single-Family Detached or Zero Lot Line	Traditional House	Semi-Attached House	Duplex	Townhouse	Multifamily (Rental or Condominium)
R-7500						
<i>Entire Development</i>						
Density	5.8	5.8	5.8	5.8	5.8	5.8
Size (acres)	10	10	10	10	10	10
<i>Individual Lots</i>						
<i>Dimensions</i>						
Lot area	5,625	5,200	6,375	7,125	PUD REQUIRED	PUD REQUIRED
Lot width	50	45	55	60		
<i>Yards</i> (minimum)						
Front yard	18	14	20	20	--	--
Rear yard	10	12	12	12	--	--
Side yard						
One yard	6 ¹	5	5	5	--	--
Total side yard	12	10	12	12	--	--
Street side yard	12	12	15	15	--	--
<i>Bulk</i> (maximum)						
Height (feet)	40	40	40	40	--	--
Building coverage	35%	35%	35%	35%	--	--
Impervious surface	40%	40%	40%	40%	--	--
R-6000						
<i>Entire Development</i>						
Density	7.3	7.3	7.3	7.3	7.3	7.3
Tract area	10	10	10	10	10	10
<i>Individual Lots</i>						
<i>Dimensions</i>						
Lot area	4,200	3,600	5,400	6,000	--	PUD Required
Lot width	42	40	54	60	--	
<i>Site Dimensions</i>						
Per Unit	--	--	--	--	2,400	--
Building Separation	--	--	--	--	10	--
<i>Yards</i> (minimum)						
Front yard	15	12	20	20	20	--
Rear yard	10	10	12	12	15	--
Side yard						
One yard	5 ¹	5	5	5	--	--
Total side yard	10	10	12	12	--	--
Street side yard	12	12	15	15	12	--
<i>Bulk</i> (maximum)						
Height (feet)	40	40	40	40	40	--
Building coverage	35%	35%	35%	35%	40%	--
Impervious surface	40%	40%	40%	40%	45%	--
Unit Width	--	--	--	--	24	--

Article 6 Zoning Districts

6.7 Agricultural and Residential Zoning Districts

	Single-Family Detached or Zero Lot Line	Traditional House	Semi-Attached House	Duplex	Townhouse	Multifamily (Rental or Condominium)
MR-3200						
<i>Entire Development</i>						
Density	13.6	13.6	13.6	13.6	13.6	13.6
Tract area	10	10	10	10	10	10
<i>Individual Lots</i>						
<i>Dimensions</i>						
Lot area	2,880	2,560	3,200	3,840	--	--
Lot width	40	35	50	60	--	--
<i>Site Dimensions</i>						
Per Unit	--	--	--	--	2,600	1,600
Building Separation	--	--	--	--	10	10
<i>Yards (minimum)</i>						
Front yard	15	10	18	18	18	20
Rear yard	10	10	10	10	15	20
<i>Side yard</i>						
One yard	5 ¹	5	5	5	--	--
Total side yard	10	10	12	12	--	--
Street side yard	15	12	15	15	12	15
<i>Bulk (maximum)</i>						
Height (feet)	40	40	40	40	40 ²	40 ²
Building coverage	40%	40%	40%	40%	40%	40%
Impervious surface	45%	45%	45%	45%	45%	45%
Unit Width	--	--	--	--	22	--
Notes: ¹ Zero lot line single family shall be in conformance with Section 7.3.3.H, Special Standards for Zero Lot Line Homes. ² If the building or structure is equipped with an internal fire suppression system, with a smoke or fire detection system, and with a fire alarm system, all complying with the North Carolina State Building Code, the Planning Director may permit additional building height up to ten additional feet of height at the rate of one additional foot of height for every one foot of additional yard depth (side, front, and rear).						

H. Modification of Standards

1. Using PUD

Applications requiring modifications of the base dimensional standards in the table above, or where "PUD Required" is indicated, shall require Planning Board approval using the Planned Unit Development process found in Section 3.7.

2. Limits on Modification of Standards

- i. Modification of the maximum tract density or minimum open space requirement shall not be permitted, except as allowed through a density bonus program (see 6.7.8) .
- ii. Minimum distance between internal structures shall be as required by NC State Building Code.
- iii. The Perimeter Compatibility requirements in paragraph I, below may not be reduced.

I. Perimeter Compatibility

Commentary: Generally, the perimeter buffer is required along all exterior boundaries, even if the adjacent property is vacant. This is intended to provide visual protection for residents of the Alternative Subdivision and any development which may occur on adjacent properties.

1. Buffers

- i. It is preferable that all buffers shall be a natural, undisturbed wooded area where possible, and shall count towards the provision of open space for the development. See Section 9.2, Required Buffers.
- ii. A project boundary buffer with a minimum opacity of 0.6 shall be required along all boundaries of an Alternative Subdivision except portions of the project located adjacent to a street or roadway. This project boundary buffer may not be reduced in width below 30 feet.
- iii. A street buffer shall be required along all boundaries of an Alternative Subdivision fronting on a street or roadway.
- iv. Additional landscaping and buffering requirements may apply. See Article 9, Landscaping and Buffering.

2. Limitations on Housing Types

When located adjacent to an AG, RR, R-7500, or R-6000 Zoning District, the outermost lots in an Alternative Subdivision shall include only single-family detached units or additional buffer.

J. Commercial Use within an Alternative Subdivision

Commercial use within an Alternative Subdivision shall be permitted with a PUD permit provided the subdivision contains at least 20 acres of land. No more than ten percent of the total acreage may be designated for commercial use, excluding golf courses and associated facilities. Commercial use within an Alternative Subdivision shall be designed and located to serve primarily the residents of the subdivision. Such use shall, at minimum, have one internal access to the development.

K. Utilities

1. General

- i. Provision of all utility services, including, but not limited to: gas, water, sewer, electric, cable, and telephone, shall be underground.
- ii. Adequate easements and rights-of-way for ingress and egress for maintenance shall be provided.

2. Stormwater

Applicants utilizing the Alternative Subdivision or PUD process shall provide stormwater drainage systems to the ten year storm levels in accordance with the stormwater standards found in Section 11.1 and the Flood Damage Prevention standards found in Section 11.2.

L. Street/Internal Trafficways

1. Creative design of circulation routes and trafficways is encouraged. A base characteristic of an Alternative Subdivision is that the internal circulation routes or streets do not follow fixed linear geometric lines as do most streets. Instead, circulation routes are curvilinear and of meandering character, to preserve tree and landscape features. Slower-paced traffic movements, private restrictions for extremely low speed limits, and provision of bumper-strips at intervals in the pavement make generous use of such features.
2. A minimum paved street width of 18 feet shall be required for all internal two-way roadways. One-way roadways shall require a minimum paved street width of 14 feet.
3. Pedestrian-oriented communities also are encouraged to enhance the quantity of pedestrian activity and to improve the quality of the pedestrian experience. Planned subdivisions must adhere to the design standards for drainage and paving found in Section 10.5, Streets.

Article 6 Zoning Districts

6.8 Commercial Zoning Districts

- Where the development is bound by two or more NC DOT on-system roads, at minimum access to each road shall be provided. Siren activated gate systems shall be required for all unattended gates.
- Adequately constructed and maintained bike and/or hiking trails shall be counted toward the open space requirement. Bicycle lanes and multi-use pathways that extend the minimum right-of-way width shall be designed in accordance with the North Carolina Bicycle Facilities Planning and Design Guidelines Manual.

6.7.10. Residential Design Standards for all Subdivisions

Joints between different exterior building materials shall be horizontal and continue around corners except for towers, chimneys, and piers.

6.7.11. Accessory Structures and Uses

The following accessory structures and uses shall be permitted in any residential district. All accessory structures and uses shall meet the applicable standards as set forth in Section 7.4, Accessory Uses.

- Accessory use customarily associated with a principal use.
- Accessory dwellings subject to the provisions of Section 7.4.2.
- Accessory structures subject to provisions of Section 7.4.1.
- Home occupations subject to the provisions of Section 7.4.3.
- Recycling drop-off collection stations subject to the requirements of Section 8.8.
- Fences and walls subject to the provisions of Section 8.7.

6.7.12. Nonresidential Uses in Residential Districts

A. Dimensional Standards

Unless specifically modified in Section 7.3, Limited Use Standards, permitted nonresidential uses in a residential district shall meet the following standards.

	AG	RR	R-7500	R-6000	MR-3200
Lot Dimensions (minimum)					
Lot area (square feet)	60,000	30,000	17,500	15,000	10,500
Lot width (feet)	100	100	75	60	60
Yards (minimum feet)					
Front yard	50	40	35	30	25
Rear yard	50	40	20	20	20
Side yard					
One side	30	30	20	15	10
Total	80	80	50	35	25
Street side yard	30	30	30	20	15
Bulk (maximum)					
Height (feet)	35	35	35	35	35
Building coverage	25%	35%	40%	40%	45%
Impervious surface	35%	40%	45%	45%	50%

6.8 COMMERCIAL ZONING DISTRICTS

6.8.1. Districts

A. C-LD: Commercial- Low Density

This District is intended primarily to be used in outlying areas, adjacent to major thoroughfare, with

yards and other provisions for reducing conflicts with adjacent residential uses, and with substantial setbacks to reduce marginal friction on adjacent major thoroughfares. Commercial uses in this District will serve the needs of residential neighborhoods for auto-dependent commercial facilities; and serve the needs of highway oriented tourist business.

B. C-N: Commercial-Neighborhood

The C-N, Commercial-Neighborhood District is primarily intended to accommodate very low intensity office, retail and personal services uses within and adjacent to residential areas. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including low intensity office, retail, and personal service uses, without disrupting the character of the neighborhood. Compatibility with nearby residences is reflected in design standards for both site layout and buildings. In addition, uses in the C-N District will have minimal infrastructure demands.

C. C-I: Commercial-Intensive

The C-I District is intended for uses which require close access to major highways. Anticipated uses include those which are necessary to service more intensive commercial and industrial districts, such as warehousing, storage, moving, service and repair, distribution, wholesaling, marketing of specialty goods and light manufacturing plants.

6.8.2. Permitted Uses in Commercial Districts

Only uses specifically listed in the use table in Section 7.2 as a permitted ("P"), permitted subject to limited use standards ("L"), or permitted subject to special exception permit ("S-PB" or "S-BA") shall be permitted in Commercial districts.

6.8.3. Design Standards

A. Applicability

In addition to the standards contained in this Section, applicants shall comply with all other provisions in this Ordinance and all other applicable laws, except those that are incompatible with the provisions contained herein.

B. Dimensional Standards

Projects shall meet the following standards.

Commercial Districts	C-LD	C-N	C-I
<i>Lot Dimensions</i> (w/o water/wastewater)			
Lot area (min. s.f.)	15,000	15,000	20,000
Lot width (min. ft.)	150	150	200
<i>Lot Dimensions</i> (with water/wastewater)			
Lot area (min. s.f.)	7,500	15,000	10,000
Lot width (min. ft.)	150	150	100
<i>Yards</i> (min. ft.)			
Front Yard	25	25	50
Rear Yard	6	6	50 ¹
Side yard			
One Yard	10	10	10 ¹
Total	22	22	25
Street Side Yard	25	25	10 ¹
<i>Bulk</i> (maximum)			
Height (feet)	40	40	40
Building coverage	35%	35%	35%
Impervious surface	40%	40%	40%
Notes:			
¹ Solid walls required if the abutting land is in a residential or C-LD District.			

6.8.4. Special Standards in the C-LD Zoning District

A. Yards

Required front, rear, and side yards abutting streets may be used for parking shelters and lighting devices, provided that visibility across a required front yard or side yard abutting a street shall not be impeded between the heights of 3 feet and 8 feet, and provided further, no signs shall be permitted in any required yard. Where this District borders a Residential District, including across streets, walls shall be provided so that no lights from automotive or other sources on commercial premises shall shine into windows in the Residential District, and no rear or side service areas on commercial premises shall be visible from the ground within Residential Districts. No structure (excluding fences or walls) shall be erected nearer than six feet to any Residential District boundary.

6.8.5. Residential Structures in Commercial Zoning Districts

Residential development in a commercial district may be permitted as a primary use in accordance with the Use Table in Section 7.1, subject to the standards and requirements applicable to the district in which it is located. Residential uses serving as an accessory structure or use to a nonresidential primary use shall comply with the standards set forth in Section 6.8.6, Accessory Structures and Uses.

A. Dimensional Requirements

The dimensional requirements contained in the table below shall apply to all residential or mixed residential commercial development permitted in commercial districts.

Use	District	Minimum Lot Width (ft.)		Minimum Lot Area per dwelling unit (s.f.)		Yard (ft.)		
		With Water and Sewer	Without Water and Sewer	With Water and Sewer	Without Water and Sewer	Front	Rear	Side
All residential, except multifamily	C-LD	60	60	6,000	10,000	25	6	5 ¹
	C-N	75	75	7,500	10,000	25	25	10
Multifamily/ Mixed commercial- residential	C-LD	100	150	3,200	15,000	Per District		
	C-N	100	100	3,200	7,000			
Notes:								
1 Street side yards shall have a minimum width of 15 feet. Lots of record [define] may be permitted a reduced street side yard of 12 feet.								

B. Building Separation

Where more than one residential or mixed commercial-residential building is located upon a single lot, the building spacing provisions of Section 6.7.6.C shall apply.

C. Multifamily and Mixed Commercial-Residential Buildings

The residential density shall be based only on that portion of the structure(s) dedicated to the residential use.

Commentary: For example, if 75% of a mixed building is to be utilized for residential purposes then 75% of the lot area will be used in calculating the residential density permitted.

D. Open Space

Open space requirements for the residential portion of a multifamily or mixed commercial-residential

project shall be the same conform to the requirements for multifamily developments the MR-3200 district.

6.8.6. Accessory Structures and Uses

The following accessory structures and uses shall be permitted in any commercial district. All accessory structures and uses shall meet the applicable standards as set forth in Section 7.4.

A. In All Commercial Districts

1. Accessory use customarily associated with a principal use.
2. Accessory dwellings subject to the provisions of Section 7.4.2.
3. Accessory structures subject to provisions of Section 7.4.1.
4. Home occupations subject to the provisions of Section 7.4.3.
5. Fences and walls subject to the provisions of Section 8.7.
6. Recycling drop-off collection stations subject to the provisions of Section 8.8.

B. In the C-LD and C-M Districts

Nonresidential uses shall be permitted one on-premise accessory attached or detached dwelling unit for occupancy by the owner, lessors, managers, watchmen, or custodians in connection with the operation of any permitted or permissible use. The accessory dwelling shall adhere to the following requirements:

1. The dwelling unit shall be occupied solely by the person engaged in the principal use (owner, lessor, manager, watchman, or custodian), or their family members residing with them;
2. The building shall meet the minimum setback requirements of the zoning district;
3. The amount of floor area for the attached dwelling unit shall be not more than 50% of the total floor area of the principal use;
4. The attached dwelling unit shall be located totally above the ground floor or totally to the rear of the principal use so as not to interrupt the commercial low density frontage;
5. In addition to the required off-street parking for the principal use, two off-street parking spaces shall be provided for the dwelling unit.

6.9 INDUSTRIAL ZONING DISTRICTS

6.9.1. Districts

A. I-RU: Industrial-Rural

1. This District is intended to accommodate uses on lands which do not have a recent history of being productive agricultural, or farm lands. Also, this District is intended to be applied only on lands not anticipated to become urban or suburban by the Land Use Plan, and which are not wetlands or environmentally sensitive lands. This District is intended to provide areas for uses of open air or extensive rather than intensive character such as:
 - i. Agricultural industry;
 - ii. Repositories for waste products whose composition and features require they be removed from other Zoning Districts;
 - iii. Chemical extraction or energy generation from crops or woods or the wastes of same, or conversion of crops, woods, and animals to various products of use to society; and
 - iv. Animal slaughtering and processing operations and even incineration of animal remains.

Article 6 Zoning Districts

6.9 Industrial Zoning Districts

2. This District is intended to be used in an extremely limited manner sufficient only to meet proven needs for such generally adverse uses.
3. Such land uses require may restriction of other uses such as residential, institutional, commercial, and manufacturing where there are concentrations of persons likely at any given time.

Commentary: *The Sunny Point Military Ocean Terminal's buffer zone is an illustration of how man would be expected to be limited in accessibility or closeness to uses in this District.*

B. I-G: Industrial-General

The I-G District is intended to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise or equipment. Lands in this District are to be located on or near Major Thoroughfares as identified in the Major Thoroughfare Plan; to rail service; and to in-place infrastructure such as water, sewer, and/or natural gas.

6.9.2. Permitted Uses in Industrial Districts

Only uses specifically listed in the use table in Section 7.2 as a permitted use ("P"), permitted subject to limited use standards ("L"), or permitted subject to special exception permit ("S-PB" or "S-BA") shall be permitted in Industrial districts.

6.9.3. Design Standards

A. Applicability

In addition to the standards contained in this Section, applicants shall comply with all other provisions in this Ordinance and all other applicable laws, except those that are incompatible with the provisions contained herein.

B. Dimensional Standards

All proposed development shall meet the following standards.

Industrial Districts	I-G	I-RU
<i>Lot Dimensions</i>		
Lot area (min. ac.)	1	100
Lot width (min. ft.)	200	2,500
<i>Yards (min. ft.)</i>		
Front Yard	50	500 ^{1,2}
Rear Yard	50	500 ^{1,2}
Side yard		
One Yard	10	500
Total	22	1,000
Street Side Yard	25	500
<i>Bulk (maximum)</i>		
Height (feet)	40	40
Building coverage	35%	10%
Impervious surface	40%	15%
Notes:		
¹ All yards shall be enclosed by solid walls whenever the abutting land is in a residential district.		
² When abutting another use in an Industrial District, the required yard may be reduced to 250 feet.		

6.9.4. Study Required

A. In the I-G District

On any application where, in the opinion of the Zoning Administrator, one or more of the standards of this Ordinance would appear not capable of being met as filed, or where the Brunswick County Coastal Area Management Act Land Use Plan identification of hazardous or fragile areas show such features in close proximity to the land in question in the application, or where other natural and man-made environmental impacts are anticipated, the Zoning Administrator shall withhold action on the application and present it on the Agenda of the regular monthly meeting of the Planning Board for a determination of whether additional information will have to be filed for review and the nature and detail expected in such information, within worst possible most extreme case the requirement of preparation and filing for approval of an Environmental Impact Statement to national standards and requirements, with resultant amended application upon the basis of such study(ies).

B. I-RU District

1. In addition to the requirements for rezoning listed in Section 3.3, an application for a rezoning to the I-RU District shall be accompanied by a study which meets the most current requirements and guidelines for preparation of an Environmental Impact Statement (E.I.S.) under federal law. Prior to initiation of the required study, the Zoning Administrator shall establish the scope and required details of the required study. This scope shall be approved by the Planning Board and the Board of County Commissioners. All costs associated with the preparation of the required study shall be borne by the applicant. Action on the rezoning application shall not be considered until the required study has been received and approved by the Planning Board and Board of County Commissioners.
2. Those soil types found in Brunswick County, dependent also on many other factors, which may possibly be found acceptable for inclusion in the zoning District include Baymeade, Baymeade-Marvyn group, Foreston, Goldsboro, Kureb, Newhan, Norfolk, Wando and Bragg.

6.10 SPECIAL PURPOSE BASE DISTRICT

6.10.1. MI-Military Installation

A. Intent

1. The purpose of the Military Installation District (MI) is to recognize the location of major single use and multiple use military facilities in Brunswick County.
2. While federal government areas are not subject to local zoning and other codes, they occupy large land areas in the County. These areas therefore are identified on the zoning map as a Special Purpose District to differentiate them from other areas that are covered by the regulations in this Ordinance.
3. The main objective of this District is to identify specific resources not otherwise identified where protection can be considered in the public's interest; identify interests relating to land use planning that impact County policy on industry, the environment and residential land uses in general; minimize substantial development impacts of these facilities; and develop a coordinated, planning/zoning process to include all federal entities.

B. Permitted Principal Uses and Structures

The uses specified as permitted uses include any uses authorized by, and located in, official Military Installations of the U.S. Government.

C. Development Coordination Encouraged

In areas of MI Districts not affected by military security in areas where commercial, residential, or mixed use developments are proposed, and in areas where joint public/private development may be explored, the federal government and Brunswick County is encouraged to establish a coordinated planning process to achieve both federal and local benefits, to minimize development impacts, and to help meet the objectives and policies of the Land Use Plan of Brunswick County.

6.11 GENERAL OVERLAY DISTRICTS

6.11.1. General

- A. Overlays are zoning districts which are applied only in conjunction with a Base Zoning District, and may grant additional use and development requirements upon the underlying Base Zoning Districts. The effect is to have both the Overlay and the underlying Base Zoning District standards control the use and development of land placed into any Overlay.

***Commentary:** Some overlays provide additional restrictions on top of the underlying base district standards, while others may provide relief from certain underlying base district standards.*

- B. Overlays support specific public policy objectives as are to be found in the comprehensive plan.

6.11.2. AHC: Airport Height Control Overlay

The Airport Height Control Overlay is intended to regulate construction and restrict the location of certain uses within proximity to an airport due to the facts that:

1. Airport hazards endanger the lives and property of users of airports and occupants and owners of property in their vicinity;
2. The creation or establishment of an airport hazard injures the community served by the airport;
3. In the interest of public health, safety, and general welfare, it is necessary to prevent the creation or establishment of airport hazards;
4. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of police power without compensation.

6.11.3. ED: Economic Development

A. Intent

1. The Economic Development Overlay District is intended to provide locations for a wide range of agricultural industry, light and heavy manufacturing, office, institutional and research uses with no adverse impacts beyond the space occupied by the use.
2. The Economic Development Overlay District shall only be applied to lands in close association with those Major Thoroughfares identified in the Major Thoroughfare Plan, and over lands in the RU-Rural Zoning District. This District is designed to support specific public policy objectives stated in the Coastal Area Management Act Land Use Plan.

B. Application Criteria

Ten acres shall be required to initiate an Economic Development Overlay District.

C. Standards

1. No uses shall be located in an Area of Environmental Concern, as defined by the N.C. Coastal Area Management Act.
2. No lot shall be less than one acre in size nor have less than one 100 feet in width.

3. All operations other than loading or unloading shall be conducted entirely within the building or buildings.
 4. The sign standards of the RR Districts shall apply.
 5. The Performance Standards of the C-I District shall apply.
- D. The more liberal requirements of the underlying Zoning District and of the Overlay Zoning District shall apply in any interpretive construction of this Section.

6.11.4. PUD: Planned Unit Development

A. Intent

The Planned Unit Development (PUD) Overlay District is intended to encourage the development of desirable and innovative projects for both residential and nonresidential uses. This may include a mixture of uses not ordinarily permitted in a traditional development. Certain development privileges, through diversified land development standards in exchange for preplanning and innovative design considerations, provide flexibility in utilizing new development concepts that are intended to:

1. Encourage creative development that preserves natural and scenic features.
2. Provide for abundant and accessible open and recreational space.
3. Promote the efficient use of land resulting in infrastructure networks that maximize the allocation of fiscal and natural resources.

B. Application Criteria

1. A PUD shall be permitted in accordance with the use table in Section 7.1, subject to the approval of a Special Exception permit by the Planning Board.
2. A minimum of ten acres shall be required for the creation of a PUD.
3. The PUD may be developed in phases or sections in accordance with the phasing schedule submitted as part of the approved plan.

C. Standards

Planned Unit Developments shall be in conformance with the Brunswick County Zoning and Subdivision Ordinances except for the following development standards:

1. In addition to the general standards contained in this section, a Residential PUD shall conform to the Alternative Subdivision standards found in 6.7.8.B.
2. Planned Unit Developments shall provide stormwater drainage systems to the ten year and 25 year storm levels for residential and commercial development, respectively, in accordance with the stormwater standards found in Section 11.1 and the Flood Damage Prevention standards found in Section 11.2
3. Electrical, telephone and cable shall be underground. A written statement by the utility company authorized to provide electrical service to the PUD, stating their commitment to install electric utilities, may be accepted in lieu of financial assurance guarantees.
4. Provision of water and sewer to each housing unit and nonresidential structure shall be in accordance with the latest version of the Brunswick County Utility Policy and the latest version of the Brunswick County Sewer Use Ordinance.

5. In lieu of requiring the completion, installation and dedication of all improvements (i.e., streets, water and if applicable, sewer) prior to final plat approval, financial assurance in an amount equal to 125% for the installation of the required improvements shall be provided, with the exception of electric utilities. Financial assurance guarantees described in the Brunswick County Subdivision Ordinance may be used to guarantee the installation of said improvements.
6. Uses within a PUD shall be limited to the mix of residential uses permitted in the base zoning district and up to five percent may be devoted to compatible non-residential uses.

6.11.5. TO: Transitional Office**A. Purpose**

The Transitional Office Overlay is established to allow an orderly transition of land use from residential use to relatively small-scale office use of lots and parcels fronting major roadways, while maintaining a predominantly residential property appearance and building scale.

B. Designation of Transitional Office Overlay

1. A Transitional Office Overlay may only be established as a zoning map change in accordance with the requirements of Section 3.3, Rezoning.
2. A Transitional Office Overlay may only be established in any residential base district, and may be established over more than one residential base district.

C. Permitted Uses

1. Any use permitted by right, subject to limitations, or through special exception permit in the underlying base districts shall be allowed in the overlay.
2. The following uses or use categories shall be permitted in addition to the uses permitted in the underlying residential zoning district:
 - i. Upper-story residential;
 - ii. Medical facilities (other than hospitals);
 - iii. Offices;
 - iv. Animal hospitals and veterinary clinics (all without outdoor pens or runs). Kennels shall not be permitted in a T-O unless they are permitted in the base district;
 - v. Artist galleries and studios.
3. No retail sales shall be permitted as a primary use in the T-O overlay.

D. Special Development Standards

1. New buildings in the Transitional Office Overlay shall maintain a single-family detached residential appearance and scale. Residential appearance and scale shall expressly include details from residential uses within 150 feet of the overlay area. Such details may include the following features:
 - i. Roof type, including extent of eaves, if any;
 - ii. Porches or other similar articulation of the front façade;
 - iii. Size, pattern and location of windows and doors; and
 - iv. Garage or parking location.
2. The underlying district dimensional standards shall be met, except where expressly modified in this paragraph.
 - i. The maximum length of a new building shall not exceed 80 feet.

- ii. The maximum floor area of any nonresidential use in the overlay or aggregation of multiple nonresidential uses in a single building shall be 10,000 square feet.
- 3. All nonresidential activity (except that allowed within a residential district) shall occur within a completely enclosed building.
- 4. The residential appearance of buildings shall be furthered by the retention of front lawns free of vehicle parking. All off-street parking spaces shall be located no closer to the principal street than the front building line, regardless of any required yard or building setback.

6.11.6. CDS-1 and CDS-2: Corridor Development Standards 1 and 2

A. Intent

1. The Corridor Development Standards (CDS 1 and CDS 2) are intended to ensure that lands adjacent to major transportation corridors be developed in a manner that encourages appropriate land usage, maintains the scenic natural beauty of the area, and promotes the health and general welfare of the public. Moreover, application of the CDS overlay serves to facilitate the provision of transportation by promoting the safe and efficient movement of traffic by encouraging development which reduces or eliminates commercial strip development, excessive driveway cuts, visual clutter and poor site layout.
2. Corridor Development Standards are superimposed along designated highways which extend across Brunswick County's planning and zoning jurisdiction. As an overlay zone, it does not control the permitting of uses therein, but provides additional development requirements and standards which are applied within the coverage area for commercial or industrial uses only.
3. Standards are provided to ensure that thoroughfares in these overlay districts develop with improved traffic efficiency and safety by reducing visual clutter and avoiding inappropriate site design.

B. Applicability

1. General

- i. Unless specifically limited to CDS 1 or CDS 2, the standards and requirements in this Section shall apply to all nonresidential uses, multifamily developments, and manufactured home parks.
- ii. Single family and two-family developments (including individual Class A, B and C Manufactured Dwellings), and Bona Fide farms, are not required to comply with the standards and requirements in this Section.
- iii. In general, the Brunswick County CDS shall follow property lines and identifiable geographic features located within 660' from the North Carolina Department of Transportation (DOT) Right-of-way, as measured from and perpendicular to each side of the highway for any commercial or industrial use.

2. CDS 1

The CDS 1 shall apply to the following Brunswick County thoroughfares and major highways:

- i. US Highway 17 Bypass from New Hanover County line to South Carolina border.
- ii. Intersection of US Highway 17 and NC Highway 211 at Supply and NC Highway 211 southeast toward the City of Southport in the unincorporated Brunswick County planning area.
- iii. US Highway 74/76 from Brunswick County line northwest to Columbus County line.

3. CDS 2

The CDS 2 shall apply to the following Brunswick County thoroughfares:

- i. NC Highway 211 from Columbus County line to US Highway 17 at Supply.
- ii. NC Highway 130 from boundary of Town of Shallotte's planning jurisdiction northwest toward Columbus County line.
- iii. NC Highway 130 from boundary of Town of Shallotte's planning jurisdiction to the boundary of the Town of Holden Beach's planning jurisdiction.

- iv. NC Highway 133 from Town of Belville's planning jurisdiction southeast to City of Boiling Spring Lakes' planning jurisdiction and continuing southeast to NC Highway 87 and NC Highway 133 connection.
- v. Long Beach Road (NC Highway 133) from its intersection with NC Highway 211 toward the Town of Oak Island in the unincorporated Brunswick County planning area.
- vi. NC Highway 904 from the intersection with US 17 to the Town of Sunset Beach's planning jurisdiction.

C. Plan Review Procedures

1. The applicant shall submit a site development plan and a landscape plan of the parcel to the Planning Department. The Planning Director or designee will review the site plan in accordance with development standards set forth in this section and make any recommendations to the applicant, if necessary.
2. Upon approval of the site plan by the Planning Department, the applicant shall submit the site plan and NC DOT Driveway Application for approval by the NC DOT.
3. Following approval of the site plan and proposed use by the Planning Department and NC DOT, and approval of the landscaping plan by the Planning Department, the respective property development permits may be issued.
4. Necessary permits may then be issued at each phase of development and only in accordance with the approved site development plan.
5. Any subsequent change or expansion which was not previously shown and approved as part of the initial site development plan must be resubmitted to the Planning Department for review and approval. Further review by NC DOT may be necessary.
6. Final Certificate of Occupancy shall require zoning approval of on-site inspection in accordance with the approved site development and landscape plan, and verification of completion/approval by NC DOT of driveway installation and/or roadway improvement(s).

D. Permitted Uses

All permitted uses, limited uses, and uses permitted subject to a special exception of the underlying zoning district shall be allowed subject to the specific requirements and procedures for each use and any limitations imposed by this Section.

E. Access Standards

1. Design and Distance from Intersections

All access points shall be in accordance with Section 8.2, Access, and designed, constructed and maintained according to the NC DOT's Policy on Street and Driveway Access to North Carolina Highways and subject to the following:

2. Spacing

- i. For the purpose of this section, adjacent lots in common ownership fronting on a thoroughfare in the CDS shall be considered as one lot when determining permitted driveways.
- ii. Access to any controlled or limited access highways (e.g., US Highways 17 and 74/76) shall require final approval from NCDOT.
- iii. All driveways and public street intersections in a CDS are subject to NCDOT and County standards and permitting processes, whichever is applicable. Any parcel of land with less than 300 feet of frontage on a thoroughfare may have no more than one point of access to

the thoroughfare. One additional driveway for each additional 300 feet of thoroughfare frontage may be allowed.

- iv. The use of joint access points or shared driveways to serve adjacent parcels abutting thoroughfares and major highways is required for new lots where there is less than 150 feet between access points/driveways. Joint access points are not required, but are encouraged for lots of record recorded prior to October 2, 2000. If access to a lot or legally created parcel of land is physically unobtainable under these provisions, an access point may be approved which is located the greatest distance possible from an existing access point and in the safest possible location.
- v. Where joint access/driveway are provided, the driveway centerline may be the common property line. In such cases, cross access corridors (see below) should be provided.

3. Corner Lots

Corner lots may have one access point from each road, located as far as possible from the point of intersection of the two adjoining roadways, except for controlled or limited access highways (e.g., US Highways 17 and 74/76). New and/or additional access points on controlled or limited access highways require approval by NC DOT.

4. Cross-Access Corridors

i. Description

In order to reduce the traffic burden created by vehicles traveling short distances on the public roadway, cross-access corridors are driveways constructed between adjacent properties to provide an alternative passageway to access adjacent developments without entering and exiting the roadway. These cross-access corridors are intended to link parking areas on neighboring developments.

ii. Applicability

- (a) Cross-access corridors(s) shall be required for all nonresidential sites within a related project (as evidenced by a common development plan or site plan); even if the properties are subdivided.
- (b) Cross-access corridor(s) are encouraged for all other developments.
- (c) Cross-access corridors(s) are not required from or to adjacent sites which have more than 75% of the total land area in residential development.
- (d) The Planning Director may modify or even waive the requirements of this section through the Administrative Adjustment process (see Section 3.11) if it can be proven that strict compliance would be impracticable due to unique site conditions such as environmental concerns, extreme slopes, or similar circumstances.

iii. Standards

- (a) Cross-access corridor(s), where utilized, shall be designed to provide unified circulation and access between sites.
- (b) The minimum paved width for a cross-access corridor(s) is 14 feet.
- (c) Cross-access corridor(s) must be set back at least 20 feet from any public roadway.
- (d) If a site is developed adjacent to an undeveloped piece of property, it shall be designed so that its parking, access and circulation are easily tied together to create a unified system at a later date. If the building site abuts an existing developed property, it shall tie into the abutting parking, access and circulation to create a unified system. To accomplish this, the Planning Director may allow the applicant to:
 - (1) construct a cross-access corridor stub up to the property line to allow for future connection; or

- (2) dedicate an easement of sufficient width to accommodate a future cross-access corridor and post fiscal surety in a form acceptable to the County of sufficient amount to construct the portion of the connection on the applicant's property.

iv. Maintenance and Operation

- (a) Where a cross access corridor is developed, the owners/developers of the affected properties shall provide for mutually coordinated parking, access and circulation systems, and shall provide design features as necessary to make it visually obvious that abutting properties shall be tied together to create a unified system.
- (b) In order to maintain a clear passage for emergency and non-emergency travel, no parking shall be allowed in a cross-access corridor. Signs indicating "No Parking at Any Time" shall be erected along both sides of the corridor.

F. Development Standards

The development within the CDS shall comply with the use and development regulations applicable to the underlying zoning district, except that the following regulations apply wherever they are more restrictive than those of the underlying zoning district.

1. Building Design Standards

Within the CDS all new nonresidential development or major expansions of existing nonresidential development resulting in a total enclosed area of 5,000 square feet or more shall comply with the Building Façade Design standards found in Section 8.4.

2. Lot Dimensions

The following dimensional standards shall apply to any nonresidential or multifamily development fronting on a roadway in a CDS. Lots not abutting a designated roadway shall conform to the underlying zoning district requirements.

i. Minimum Lot Width

100' or underlying zoning district requirement, whichever is greater.

ii. Minimum Lot Area

As required by the underlying zoning district.

iii. Side and Rear Yard

As required by the underlying zoning district.

iv. Front Yard Standards

Minimum yard depth shall be the greater of the requirement of the underlying zoning district, or the dimensions below:

(a) CDS-1

- (1) Multifamily, civic, or commercial uses: 45 feet.
- (2) Industrial uses: 65 feet.

(b) CDS-2

All uses: 30 feet.

(c) Lots of Record

Lots of record recorded prior to October 2, 2000, less than one acre in size, may reduce the minimum required front yard to 25 feet.

(d) Permitted Obstructions

There shall be no structures allowed in this front yard, except as follows:

- (1) Landscaping;

- (2) Stormwater retention/detention facilities designed to mimic the natural environment which are aesthetically pleasing;
- (3) Subsurface stormwater facilities and underground septic areas including drainfields;
- (4) Public utilities and facilities;
- (5) Driveways and streets;
- (6) A cross access driveway up to 20 feet in width to promote interconnectivity between parcels; and
- (7) Sidewalks, pedestrian ways, or bikeways.

(e) Outdoor storage and display shall not be permitted in the required front yard.

3. Maximum Lot Coverage

Maximum lot coverage by total impervious surfaces shall be 80% of the total lot area unless greater restrictions are required to conform with the provisions of Article 11, Stormwater Management or the use is also located within a Water Quality Protection overlay (see Section 6.11.7).

G. Signs

In addition to the general sign standards contained in Article 12, all signs requiring a permit shall comply with the following standards:

1. Common Signage Plan Required

A common signage plan is required for all businesses within a related project (as evidenced by a common development plan or site plan); even if the properties are subdivided (see Section 3.15.7).

2. Sign Height

No sign erected after [adoption date] may exceed 25 feet in height.

H. Off-Street Parking

1. Off-street Parking and Loading Spaces shall be provided in accordance with Section 8.1, Parking and Loading.
2. When more than 20 off street parking spaces are provided, no more than 25% of the provided off street parking may be located in the required front yard.
3. Off-street parking areas containing ten or more parking spaces shall be landscaped in accordance with Section 8.1.10 Vehicular Use Area Landscaping.

I. Landscaping and Buffering

1. Intent

The CDS is intended to preserve as much of the subject property as possible in an undisturbed or enhanced state of vegetation, and ensure that sufficient areas of natural vegetation remain so that the proposed use will be visually in harmony with the natural beauty and wooded character along the highway and within the NC DOT Right-of-way.

2. Applicability

All new developments or expansions of existing development that result in an increase in building area, lot area, or parking requirement shall comply with the requirements of this section.

3. Standards

- i. All required yards shall either be landscaped or left in a naturally wooded state.
- ii. Interior green space areas shall be located to most effectively accommodate stormwater runoff and contribute to orderly circulation of vehicular and pedestrian traffic.
- iii. Required street buffers shall be installed in compliance with Section 9.2.8, Street Buffers.
- iv. Required project boundary buffers shall be installed in compliance with Section 9.2.9, Project Boundary Buffers. However, where a tract or parcel being developed directly abuts a residential zoning district, a buffer with a minimum opacity of .8 (within one year of planting) shall be required. Only the following uses or activities shall be allowed in the intervening buffer when abutting a residential zoning district:
 - (a) Installation and maintenance of landscaping; and
 - (b) Installation and maintenance of water, sewer, electrical, and other utility systems.
- v. In addition to the required street buffers and project boundary buffers, a planting area running directly adjacent to the lot frontage with a minimum depth of eight feet shall be provided immediately adjacent to the right-of-way line. These required plantings may count towards the street buffer planting requirements on a one-to-one basis. For every 50 feet of roadway frontage, the planting area shall contain six shrubs 18" in height and:
 - (a) One tree eight feet in height; or
 - (b) Three flowering trees five feet in height.

J. Alternative Means of Compliance

It is recognized that strict interpretation and application of these standards may create particular hardships in areas of unusual topographic condition, or in retrofitting existing developed properties which are expanded. The Planning Board, by majority vote, may approve a site plan for any proposed development which does not meet any specific standard of this Section as an alternate means of compliance, subject to making the following findings:

1. The proposed development attempts to meet the intent of the CDS.
2. There are physical conditions, not only economic considerations, which prevent the proposed development from meeting the specific standards of this Section.
3. The proposed development will be designed to meet the standards of this section to the fullest extent possible.
4. In determining alternative means of compliance, the Planning Department may consider various features such as width in relation to opacity of landscaping in front yard, number of required parking spaces, and driveway locations and/or distances from nearby intersections.

6.11.7. WQP: Water Quality Protection

A. Intent

1. It is the intent of Brunswick County to bolster those regulations of state and federal government as to the unique quality of the water of the Lockwood Folly River associated with naturally occurring shellfish beds.
2. The quality of these defined waters has been affected by such activities as forestry, farming, construction of roads, growth of towns, and rural and suburban residential development, as well as industrial processes associated with the fishing industry.
3. Numerous types of water pollutants have been identified by state studies. No one or even several types or causes of such degradation have been determined as having more impact than any other.

4. The intent of this Water Quality Protection District is to apply a set of regulations for water quality protection, to specifically described areas of land abutting a specifically described water area; which is encompassed by a line drawn to extend across the Lockwood Folly River from Genoe's Point to Mullet Creek, southly to and across the Atlantic Intracoastal Waterway.

B. Applicability

1. The requirements and standards of the WQP- Water Quality Protection Overlay shall apply to all lands shown on a special Zoning Overlay Map made a part of this District, whereby all land parcels of public record included are clearly shown. This District includes an area extending 575' landward of the mean high water line, with any lot or parcel falling within such distance being included entirely within this overlay zone.
2. Parcels smaller than one acre in size shall be exempt from the requirements of this Section.
3. Such waters have been defined by the State as being those waters south from a line extending from Genoes Point to Mullet Creek, to and across the Intracoastal Water to Sheep Island.

C. Incorporation of Studies by Reference

1. Among the specific studies establishing the WQP District have been the March, 1989 publication entitled "Report on Coastal Resource Waters – Intensive Study," by the Division of Environmental Management, N.C. Department of Natural Resources and Community Development, and the August, 1989, publication entitled "Lockwood Folly River Basin Water Quality Evaluation Report." Those studies are included by reference.
2. The State of North Carolina has concluded the quality of the waters within the boundaries of the District had so declined there could be no assurance the proposed regulations would result in the goal of these waters being open full seasons for shell fishing. The Environmental Management Commission did, under N.C. Administrative Code, Subordinance 2B, Surface Water Standards, Monitoring, Section .0219, Water Quality Management Plans, sub-section (b) establish a defined area of the mouth of this river, as above described, to be protected by a Water Quality Management Plan with specific actions which became effective January 1, 1990, included herein by reference.

D. Application Requirements

Applications for all development meeting the applicability requirements in the paragraph above shall require an approved Sedimentation Erosion Control Plan be filed.

E. Development Standards

All development within a WQP- Water Quality Protection Overlay shall:

1. Limit the built upon impervious area to no more than 25% of the lot;
2. Provide a buffer zone of at least 30' from any wetland or water line;
3. Limit any structures to being at least 75' from the mean high water line; and
4. Comply with any additional standards imposed by State or Federal regulations.

6.12 AGRICULTURAL PRESERVATION PROGRAM

6.12.1. Authority

The standards and provisions of this Agricultural Preservation Program are established pursuant to the authority conferred by N.C.G.S. 106-735 through 106-743 and Chapter 153A.

6.12.2. Purpose

The purpose of this Program is to promote the health, safety, rural agricultural values, and general welfare of the county, and more specifically, increase identity and pride in the agricultural community, its way of life, and its importance in preserving the agrarian heritage of the county; encourage the economic and financial health of farming; increase protection from undesirable, non-farm development; and increase the protection of farms from nuisance suits and other negative impacts on properly managed farms.

6.12.3. Initial Participation is Voluntary

Nothing contained within this Section shall require a landowner to initiate participation in the Program. Upon participation in the Program, compliance with the requirements of this Section shall be required to maintain status.

6.12.4. Implementation of Program

In order to implement the purposes stated in above, this Program provides for the creation of Voluntary Agricultural Districts (VADs) as follows:

A. Application

1. A landowner may apply to participate in the Program by making application to the chairperson of the Advisory Board or a designated staff person. The application shall be on forms provided by the Advisory Board. The application to participate in a VAD may be filed concurrent with the certification for qualifying farmland (see Section 6.12.7).
2. The Advisory Board shall meet within 30 days of receipt of a complete application to render a decision on the application.

B. Fees

Applicants wishing to implement (Section 6.12.4), expand (Section 6.12.5), or withdraw (6.12.6) from a VAD shall pay any administrative fees required for the action. A schedule of the required fees shall be available from the Planning Department.

C. Criteria for Qualification

A VAD, when initially established, shall contain a minimum of 10 contiguous acres of qualified farmland; or two or more qualified farms which contain a minimum of 10 acres in total and are located within a mile of each other.

D. Review and Recommendation

Upon receipt of an application, the chairperson shall forward copies immediately to the following offices for review and comment. Comments, if any, shall be returned to the Advisory Board at least one week prior to the date set for the Advisory Board action on the application.

1. The Brunswick County Tax Assessor;
2. The Brunswick Soil and Water Conservation District office; and
3. The Natural Resources Conservation Service.

E. Final Action

Within 30 days of receipt of the application, the Advisory Board shall vote on the application in conformance with Section 2.5.1.C. Applications not acted upon within 30 days shall be deemed denied, although the Advisory Board may extend this period one time for not more than 60 days.

F. Notification of Decision

The chairperson shall notify the applicant of the Board's decision by first class mail.

6.12 Agricultural Preservation Program

G. Preservation Agreement

The landowner(s) requesting inclusion in a VAD shall execute a Preservation Agreement with the County to sustain agriculture in the VAD in accordance with this Program. The Agreement shall be in a form which is reviewed and approved by the Agricultural Advisory Board (See Section 2.5).

H. Appointment of New Advisory Board Members

The Board of County Commissioners shall appoint a member from each newly created VAD to represent the District on the Agricultural Advisory Board.

I. Appeal of Advisory Board Decision

If an application is denied by the Advisory Board, the applicant shall have 30 days to appeal the decision to the Board of County Commissioners. Such appeal shall be presented in writing. The decision of the Board of Commissioners shall be final.

6.12.5. Expansion of Program

The Agricultural Advisory Board may decrease or increase the number of Agricultural Preservation Districts as set forth above in "Implementation," above.

6.12.6. Withdrawal from Program

A. By the Owner

By written notice to the Advisory Board, a landowner of qualifying farmland may revoke a Preservation Agreement.

B. By the Agricultural Advisory Board

The Advisory Board may revoke the Agreement based on noncompliance by the landowner.

C. Effect on Lands No Longer Included in a VAD

1. Revocation shall result in loss of qualifying farm status, and consequently, loss of eligibility to participate in the Program.
2. Revocation by a landowner of an Agreement shall in no way affect the eligibility of the land to be taxed at its present use value as provided in N.C.G.S. 105-277.2 through N.C.G.S. 105-277.6.

D. Effect on Lands Remaining in an VAD

In the event that one or more participants in a VAD withdraw and the remaining acreage becomes less than 10 acres or results in the remaining land being noncontiguous, the VAD will continue to exist so long as there is one qualifying farm located within the District.

6.12.7. VADs Not Permitted in Growth Areas

Agricultural districts will not be permitted in designated growth corridors, as delineated on the official County planning map without the approval of the Board of Commissioners. Districts located in growth corridors designated after the effective date of this program may remain, but may not be expanded within the growth corridor area without the approval of the Board of Commissioners. Districts located in growth corridors designated after the effective date of this program may expand to include adjoining property purchased by a landowner presently participating in the Brunswick County Voluntary Farmland Preservation Program Ordinance. The approval of the Board of Commissioners will be on a case by case basis.

6.12.8. Certification and Qualification of Farmland

In order for farmland to qualify for participation under the terms of this program, it shall meet the following requirements:

- A. The farmland shall be real property;
- B. The farm property shall be participating in the farm present-use-value taxation program established by N.C.G.S. 105-277.2 through 105-277.7, or is otherwise determined by the county to meet all the qualifications of this program set forth in N.C.G.S. 105-277.3;
- C. The property shall be certified by the Natural Resources Conservation Service of the United States Department of Agriculture, in consultation with the North Carolina Cooperative Extension Service and the Farm Service Agency, as being a farm on which at least two-thirds of the land is composed of soils that:
 - 1. Are best suited for providing food, seed, fiber, forage, timber, and horticultural crops, including Christmas trees and ornamentals;
 - 2. have good soil qualities;
 - 3. are favorable for all major crops common to the region of the County where the land is located;
 - 4. have a favorable growing season; and
 - i. Receive the available moisture needed to produce high yields for an average of eight out of ten years; or
 - ii. Soils on which at least two-thirds of the land has been actively used in agricultural, horticultural, or forestry operations as defined in N.C.G.S. 105-277.2 (1, 2, 3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies.
- D. The property is the subject of a Preservation Agreement, as defined in N.C.G.S. 121-35, between the County and the owner of such land that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable county watershed and subdivision regulations, or the regulations of any municipality which apply to the farm property. The property owner may voluntarily revoke this Preservation Agreement by submitting a written request to the Advisory Board in accordance with Section 6.12.6.

6.12.9. Record Notice of Proximity to a VAD

A. Procedure

When Brunswick County computerizes its County Land Records System, the following requirements outlined in this subsection shall be implemented and enforced upon certification of qualifying farmland and designation of real property as an VAD District, the title to that qualifying farmland and real property within a VAD which is contained in the Brunswick County Land Records System shall be changed to include a notice reasonably calculated to alert a person researching the title of a particular tract that such tract is located within one-half aerial mile of a VAD District.

Commentary: *With the automation of the Land Records System, research on **any** tract within ½ aerial mile of an APD should alert a person of the proximity of the District to the tract being reviewed.*

B. Limit of Liability

In no event shall the County or any of its officers, employees, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this Ordinance.

C. No Cause of Action

In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or VAD as defined in this Ordinance.

6.12.10. Education

The County may take such action as it deems appropriate through the Advisory Board or other entities or individuals to promote the purposes and objectives of the Agricultural Preservation Program and encourage the formation of VADs including the implementation of a public information program to reasonably inform landowners of the Program.

6.12.11. Abeyance of Water and Sewer Assessments

A. Purpose

The purpose of this section is to help mitigate the financial impacts on farmers by some local and State capital investments unused by such farmers.

B. Assessment and Abeyance

1. Landowners belonging to voluntary agricultural districts shall not be assessed for, or required to connect to, water and/or sewer systems. Water and sewer assessments shall be held in abeyance, without interest, for farms inside a voluntary agricultural district, until improvements on such property are connected to the water or sewer system for which the assessment was made.
2. Assessment procedures followed under 0.5. 153A-185 et seq. shall conform to the terms of this article with respect to qualifying farms that entered into preservation agreements while such article was in effect.

C. Termination of Abeyance

When the period of abeyance ends, the assessment shall be payable in accordance with the term set out in the assessment resolution.

D. Suspension of Statute of Limitations

Statutes of limitations dependent upon the operation of County ordinances are suspended during the time that any assessment is held in abeyance without interest.

E. Other Statutory Abeyance Procedures

Nothing in this section is intended to diminish the authority of the County to hold assessments in abeyance under N.C.G.S. 153A-201.

F. Conflict with Water and/or Sewer System Construction and Improvement Grants

To the extent that this section conflicts with the terms of Federal, State, or other grants under which county water and/or sewer systems are constructed, this section shall not apply.

6.12.12. Advertisement of an Agricultural Preservation District

The Advisory Board, in cooperation with the County, shall take measures as set forth below to provide notification to property owners, residents, and other interested persons adjacent to any designated VAD with a goal of informing all current and potential residents and property owners in and adjacent to the District, that farming and agricultural activities may take place in this VAD any time during the day or night.

A. Signage

Signs identifying an approved VAD shall be placed by the farmer upon the property.

Editor's note: The County meet with NCDOT to discuss allowing VAD identification signs in the ROW. Alternatively, the County may want to develop a standard sign that can be erected on the landowners property that indicates where a VAD starts and stops.

B. Maps

Maps identifying approved VADs shall be provided to the following:

1. North Carolina Cooperative Extension Service;
2. Brunswick County Planning Department;
3. Natural Resources Conservation Service;
4. Soil and Water Conservation District;
5. Brunswick County Tax Department;
6. Register of Deeds; and
7. Any other such agency or office the Advisory Board deems appropriate.

C. Public Notice

The following notice provided by the Advisory Board shall be displayed in a prominent position in the office of the Register of Deeds and the public access area in the Brunswick County Tax Department:

NOTICE TO REAL ESTATE PURCHASERS IN
BRUNSWICK COUNTY

BRUNSWICK COUNTY AGRICULTURAL PRESERVATION PROGRAM

Brunswick County has established the Agricultural Preservation Program to protect and preserve agricultural lands and activities within the County.

Voluntary Agricultural Districts have been developed and mapped to inform all purchasers of real property that ~~certain~~ agricultural activities, including but not limited to: pesticide spraying, manure spreading, machinery and truck operations, livestock operations, sawing, controlled burning, and similar activities may take place in these Districts any time during the day or night.

For more information, contact the North Carolina Cooperative Extension Service.

6.12.13. Consultation Authority

The Advisory Board may consult with the North Carolina Cooperative Extension Service, the Natural Resources Conservation Service, the North Carolina Department of Agriculture and Consumer Services, and with any other individual agency or organization the Advisory Board deems necessary to properly conduct its business.

6.12.14. North Carolina Agency Notification

An official copy of this Program ordinance shall be recorded with the North Carolina Commissioner of Agriculture's office after adoption. At least once a year, the County shall submit a written report to the North Carolina Commissioner of Agriculture and Consumer Services including the status, progress and activities of the County's Preservation Program to include but not limited to:

- A. Number of landowners enrolled;
- B. Number of acres for which applications have been made;
- C. Number of acres certified;
- D. Number of acres denied;
- E. Date acres certified

6.12.15. Condemnation of Qualifying Farmland within a VAD

Pursuant to N.C.G.S. 106-740, no public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a VAD until such agency or unit has

requested the Advisory Board to hold a public hearing on the proposed action. The procedures for such hearings shall be as set forth below.

A. Schedule Public Hearing

Upon receipt of a request for a public hearing, the Advisory Board shall have 30 days after receiving a request under this article to hold a public hearing and submit its findings and recommendations to the agency that proposed the condemnation. No formal initiation of condemnation may be initiated while the proposed condemnation is properly before the Advisory Board within the time limitations set forth in this Section.

B. Advertise Public Hearing

The Advisory Board shall run a notice of the public hearing in a newspaper having general circulation in Brunswick County at least 10 days prior to the date established for the hearing. The notice shall contain the date, time, and place of the hearing and shall provide the name of the agency requesting the hearing and the purpose of the action. The notice shall also indicate the approximate address of the property(ies) under consideration.

C. Conduct Public Hearing

1. The Advisory Board shall conduct the public hearing and receive information and comments from the agency requesting the condemnation action and the citizens of Brunswick County. Additionally, the Advisory Board shall consider the following:
 - i. Has the need for the project requiring the condemnation been satisfactorily shown by the agency requesting the action?
 - ii. Has a financial impact analysis been conducted by the agency seeking the action?
 - iii. Have alternatives been considered to the proposed action that are less disruptive to the agricultural activities and farmland base of the VAD within which the proposed action is to take place?
2. The Advisory Board shall invite and allow input by the North Carolina Cooperative Extension Agent, U.S.D.A. Natural Resources Conservation Services, Farm Service Agency Personnel, and may consult with any other individuals, agencies or organizations, public or private, necessary to the Advisory Board's review of the proposed action.

D. Findings and Notification

Within 10 days after the public hearing, the Advisory Board shall make a report containing its findings and be conveyed recommendations regarding the proposed action. The report shall be conveyed to the decision-making body of the agency proposing acquisition and made available to the public for comment.

6.12.16. Conflict with Other Ordinances and Statutes

Whenever the provisions of the Agricultural Preservation Program (Section 6.12) conflict with other ordinances of Brunswick County, the provisions of this Program shall govern. Whenever the provisions of any Federal or State statute require more restrictive provisions than are required by this Program, the provisions of such statute shall govern.

6.12.17. Amendments to the Agricultural Preservation Program

The provisions of this Program (Section 6.12) may be amended from time to time after a public hearing and in consultation with the Advisory Board to the Board of Commissioners. Notice of the hearing shall be sent to program participants by first class mail at least 30 days prior to the hearing.

ARTICLE 7. PERMITTED USES

7.1 USE INTERPRETATION

7.1.1 Grouping of Uses

As set forth in the Permitted Use Table (Section 7.2) certain uses are grouped together based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. Grouping uses provides a systematic basis for assigning uses to appropriate general use districts. Any use not specifically set forth in this Article is expressly prohibited, unless determined otherwise as set forth in Section 7.2.2, Uses not Specifically Listed.

A. Agricultural Uses

AGRICULTURAL USES		
Characteristics: Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.		
Principal Uses	Accessory Uses	Uses Not included
Agri-Business Agricultural industry, including chemical extraction from <i>bona fide</i> farm operations and from aquatic plants where production/harvesting of same is permitted by state and federal laws, automated conversion of <i>bona fide</i> farm products to materials of use to society Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals, apiculture, fish hatchery, aquaculture, dairying, personal or commercial animal breeding and development <i>Bona fide</i> farm operations Greenhouse or nursery not engaged in retail trade, floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture Livestock auction Riding academy or boarding stable	Ancillary indoor storage Animal (including poultry) processing, packing, treating, and storage, provided that these activities are accessory and secondary to normal agricultural activity Associated offices Auction ring Barns, garages, sheds, silos, stables (noncommercial) Docks, noncommercial Home occupations Housing for ranch or farm labor Repair, remodeling, and renovation of vehicles and farm equipment Sales of agricultural products grown or raised on the premises	Animal waste processing (see Waste-Related Service) Commercial feed lots (see Heavy Industrial) Livestock slaughtering (Heavy Industrial) Processing of food and related products (see Heavy Industrial) Solid or liquid waste transfer or composting (see Waste-Related Service) Resource Extraction

Article 7 Permitted Uses**7.1 Use Interpretation****B. Residential Uses**

HOUSEHOLD LIVING		
Characteristics: Residential occupancy of a dwelling unit by a household for month-to-month or longer basis.		
Principal Uses	Accessory Uses	Uses Not included
Manufactured Home, Class A or B, manufactured home park or subdivision Multifamily, apartment, congregate care facility with individual units that meet the definition of a dwelling unit, or retirement center apartment Single-family detached, zero lot line, traditional house, semi-attached house, duplex, townhouse Upper-story residential Family care home	Accessory dwelling unit, (i.e. granny flats and mother-in-law apartments) Accessory structure Ancillary indoor storage Children's play area or equipment Greenhouse or nursery not engaged in retail trade Home occupation In-house care for six or fewer persons Private community center Private garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool Docks, noncommercial	Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Overnight Accommodations) Group Home (see Group Living) Nursing or convalescent house (see Group Living) Residential assisted living facility not having individual dwelling units (see Group Living)

GROUP LIVING		
Characteristics: Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care, training, or treatment.		
Principal Uses	Accessory Uses	Uses Not included
Boarding house, fraternity, sorority, or orphanage Commercial dorm Group home for the care and treatment of psychiatric, alcohol, or drug problems where patients are residents and up to 12 patients are housed. Group home for the physically disabled, mentally disabled, or emotionally disturbed not considered single-family residence (7 or more residents) Hospice, nursing or convalescent home Monastery, convent Retirement center or life care community without individual dwelling units Rooming house	Ancillary indoor storage Associated offices Food preparation and dining facility Recreational facility	Alternative or post-incarceration facility (see Social Service Institutions) Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Overnight Accommodations) Congregate care facility where individual units meet the definition of a dwelling unit (see Household Living) Membership club or lodge (see Indoor Recreation) Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis (see Household Living) Treatment center, transient lodging or emergency shelter for the homeless (see Social Service Institutions)

C. Public and Civic Uses

COMMUNITY SERVICE		
Characteristics: Uses of a public, nonprofit, or charitable nature providing ongoing education, training, or counseling to the general public on a regular basis, without a residential component.		
Principal Uses	Accessory Uses	Uses Not included
Club or lodge (non-profit) Library Museum Neighborhood arts center or similar community facility (public) Philanthropic institution Senior center Union hall	Ancillary indoor storage Associated office Food preparation and dining facility Arts and crafts, day care, therapy area Indoor or outdoor recreation and athletic facility Limited retail sales (internal) Meeting area	Athletic, tennis, swim or health club (see Retail Sales and Service) Church, mosque, synagogue, temple (see Places of Worship) Counseling in an office setting (see Office) Membership clubs and lodges (see Indoor Recreation) Park (see Parks and Open Areas) Private community center (see Household Living: Accessory Use) Soup kitchen (see Social Service Institutions) Treatment center, transient lodging or shelter for the homeless (see Social Service Institutions)

DAY CARE		
Characteristics: Uses providing care, protection, and supervision for more than six children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.		
Principal Uses	Accessory Uses	Uses Not included
Adult day-care program Child care center, nursery school, preschool Latch-key program	Associated office Food preparation and dining facility Health, arts and crafts, and therapy area Indoor or outdoor recreation facility	Counseling in an office setting (see Office) In-house day care for 6 or fewer (see Household Living: Accessory Use) On-site school or facility operated in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (see appropriate category under Accessory Use)

Article 7 Permitted Uses**7.1 Use Interpretation**

EDUCATIONAL FACILITIES		
Characteristics: Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.		
Principal Uses	Accessory Uses	Uses Not included
Business, truck driving, vocational, trade and other commercial schools College, community college or university Nursing or medical school not accessory to a hospital Public, private and charter schools Seminary	Adult continuing education program Ancillary indoor storage Associated office Auditorium, theater Cafeteria or other food service Day care Dormitory Health facility Housing for students or faculty Laboratory, library Maintenance facility Meeting area Play area, recreational or sports facility Support commercial, internal (college-operated bookstore, for example)	Dance, art, music or photographic studio or classroom (see Retail Sales and Service) Driving (see Retail Sales and Service) Martial Arts (see Retail Sales and Service) Preschool or nursery school (see Day Care)

GOVERNMENT FACILITIES		
Characteristics: Offices, storage, and other facilities for the operation of local, state, or federal government.		
Principal Uses	Accessory Uses	Uses Not included
City, county, state, or federal government office Correctional facilities, jail, prison Emergency services, fire, sheriff or medical station	Ancillary indoor storage Helistop Associated offices Auditorium, meeting room Cafeteria Day care Holding cell, infirmary Limited fueling facility	Educational facility (see Educational Facilities) Maintenance facility (see Light Industrial Service) Parks (see Parks and Open Areas) Solid or liquid waste transfer or composting (see Waste-Related Service) Utilities (see Utilities)

MEDICAL FACILITIES		
Characteristics: Uses providing medical or surgical care to patients. Some uses may offer overnight care.		
Principal Uses	Accessory Uses	Uses Not included
Blood plasma donation center Rehabilitation clinic Medical center Medical clinic Medical laboratory Medical office Hospital Urgent care or emergency medical office	Ancillary indoor storage Helistop Associated office Cafeteria Chapel, ancillary worship space Day care Housing for staff or trainees Laboratory Limited internal support retail Maintenance facility Meeting area Out-patient clinic Pharmacy Recreational facility	Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (see Social Service Institutions) Nursing or medical school not accessory to a hospital (see Educational Facilities)

PARKS AND OPEN AREAS		
Characteristics: Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.		
Principal Uses	Accessory Uses	Uses Not included
Botanical garden, nature preserve, recreational trail Cemetery, columbaria, mausoleum, memorial park Game preserve, wildlife management area, refuge, wild animal sanctuary, water conservation area Park Playground Reservoir, control structure, drainage well, water supply water well	Campground (public park only) Concessions Dock, pier or wharf (noncommercial) Indoor or outdoor recreation facility (public) Maintenance facility Play equipment Research or similar lab facilities Single residential unit for caretaker or security purposes Swimming pool, tennis court, ballfield (public park only)	Campground, private (see Outdoor Recreation) Crematorium (see Light Industrial Service) Firing Ranges (see Indoor or Outdoor Recreation) Golf course, country club (see Outdoor Recreation) Golf driving range, miniature golf facility (see Indoor Recreation) Membership club, lodge (see Indoor Recreation) Park maintained by residents (see Community Service) Water park (see Outdoor Recreation) Water tower, tank, standpipe (see Utilities)

Article 7 Permitted Uses**7.1 Use Interpretation**

PASSENGER TERMINAL		
Characteristics: Facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service.		
Principal Uses	Accessory Uses	Uses Not included
Airport Bus terminal	Ancillary indoor storage Associated office Concession Freight handling area Fueling facility Limited internal retail Maintenance facility	Park-and-ride facility (see Parking, Commercial) Taxi dispatch center (see Retail Sales and Service)

PLACE OF WORSHIP		
Characteristics: Places of assembly that provide meeting areas for religious practice.		
Principal Uses	Accessory Uses	Uses Not included
Church, mosque, synagogue, or temple	Ancillary indoor storage Associated office Columbaria, memorial garden Day care Food services, dining area Meeting room/classroom for meetings or classes not held on a daily basis Staff residence located on-site	Athletic, tennis, swim or health club (see Retail Sales and Service) Educational Facility (see Educational Facilities) Neighborhood arts center or similar community facility, public (see Community Service) Private community center (see Household Living: Accessory Use) Revival or gospel tent (see Temporary Uses) Senior center (see Community Service) Social service facility (see Social Service Institution) Treatment center, transient lodging, shelter for the homeless (see Social Service Institutions)

SOCIAL SERVICE INSTITUTIONS		
Characteristics: Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.		
Principal Uses	Accessory Uses	Uses Not included
<p>Alternative or post-incarceration facility, exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents and more than 12 patients are housed</p> <p>Emergency shelter, social service facility, soup kitchen, transient lodging or shelter for the homeless</p>	<p>Adult educational facility</p> <p>Ancillary indoor storage</p> <p>Associated office</p> <p>Day care</p> <p>Food services and dining area</p> <p>Meeting room</p> <p>Staff residences located on-site</p>	<p>Cemetery, columbarium, mausoleum, memorial park (see Parks and Open Areas)</p> <p>Congregate care facility with individual units that meet the definition of a dwelling unit (see Household Living)</p> <p>Educational facility (see Educational Facilities)</p> <p>Group home for the physically disabled, mentally disabled, or emotionally disturbed that are not considered single-family residences (see Group Living)</p> <p>Philanthropic institution (see Community Service)</p> <p>Residential assisted living facility without individual dwelling units (see Group Living)</p>

UTILITIES		
Characteristics: Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility).		
Principal Uses	Accessory Uses	Uses Not included
<p>Major Utilities:</p> <p>Waste treatment plant, water tower or tank, water treatment facility, water reclamation facility</p> <p>Minor Utilities:</p> <p>AM/FM/TV/HDTV broadcast facility</p> <p>Electrical substation</p> <p>Gasmeter and regulator stations</p> <p>Telephone exchange, water or wastewater pump station</p> <p>Wireless Communication Facility</p>	<p>Control, monitoring, data or transmission equipment</p> <p>Associated storage</p>	<p>Maintenance yard or building (see Light Industrial Service)</p> <p>Utility office (see Office)</p> <p>TV and radio studio (see Office)</p> <p>Reservoir or water supply (see Parks and Open Areas)</p> <p>Energy generating facility (see Heavy Manufacturing)</p>

Article 7 Permitted Uses**7.1 Use Interpretation****D. Commercial Uses**

INDOOR RECREATION		
Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled entertainment-oriented activities in an indoor setting.		
Principal Uses	Accessory Uses	Uses Not included
Adult entertainment Athletic, tennis, swim or health club Bar, nightclub, or tavern Bowling alley, game arcade, pool hall, skating rink Gymnastic facility, indoor sports academy Indoor firing range Membership club and lodge Movie or other theater	Ancillary indoor storage Associated office Concessions Food preparation and dining area Pro shop or sales of goods related to the on-site activities of the specific use	Outdoor entertainment (see Outdoor Recreation)

OUTDOOR RECREATION		
Characteristics: Commercial uses, varying in size, providing daily or regularly scheduled recreation or entertainment-oriented activities. Such activities may take place outdoors or within a number of structures.		
Principal Uses	Accessory Uses	Uses Not included
Athletic, tennis, swim or health club Campground, summer camp, recreational vehicle (RV) park Drive-in theater Firing range such as rifle range, archery range, handgun, or skeet shooting Golf course, country club, swim club, tennis club Hunting/fishing camp, dude ranch Marina, boating facility Outdoor entertainment activity such as batting cage, golf driving range, amusement park, miniature golf facility, swimming pool, tennis court or water park Paintball Skateboard or BMX bicycle park Stadium or arena, commercial amphitheater, ballfield	Ancillary indoor storage Associated offices Caretaker or security person housing Classroom Clubhouse Concessions Day care facility Equipment storage Food preparation or dining area Maintenance facility Pro shop or sales of goods related to the on-site activities of the specific use Rain shelter	Botanical garden, nature preserve (see Parks and Open Areas) Indoor recreational facility (see Indoor Recreation)

OVERNIGHT ACCOMODATIONS		
Characteristics: Residential units arranged for short term stays of less than 30 days for rent or lease.		
Principal Uses	Accessory Uses	Uses Not included
Hotel, motel, inn, extended-stay facility, bed and breakfast establishment Hotel, motel, inn, or bed and breakfast establishment with on-premises alcohol sales. Residency or Single Room Occupancy Hotel Retreat center	Ancillary indoor storage Associated offices Food preparation and dining facility Laundry facility Meeting facility Off-street parking Recyclable material storage (temporary) Swimming pool, other recreational facility	Campground, private (see Outdoor Recreation) Hunting/fishing camp, dude ranch (see Outdoor Recreation) Patient overnight accommodations (see Medical Facilities) Transient lodging, shelter for the homeless (see Social Service Institutions) Recreational vehicle (RV) park (see Outdoor Recreation)

PARKING, COMMERCIAL		
Characteristics: Facilities that provide parking not accessory to a specific use for which a fee may or may not be charged.		
Principal Uses	Accessory Uses	Uses Not included
Short- or long-term stand-alone parking facility	Structure intended to shield parking attendants from the weather	Bus barn (see Warehouse and Freight Movement) Sale or servicing of vehicles (see Vehicle Sales and Service)

RESTAURANTS		
Characteristics: Establishments that prepare and sell food for on- or off-premise consumption.		
Principal Uses	Accessory Uses	Uses Not included
Restaurant, fast-food restaurant pizza delivery facility, drive-in, yogurt or ice cream shop Small-scale catering establishment Restaurant with alcohol sales.	Ancillary indoor storage Associated offices Deck, patio for outdoor seating or dining Drive-through facility Valet parking facility	Bar, nightclub, or tavern (see Indoor Recreation)

Article 7 Permitted Uses**7.1 Use Interpretation**

RETAIL SALES AND SERVICE		
Characteristics: Companies or individuals involved in the sale, lease or rental of new or used products, or providing personal services or repair to the general public.		
Principal Uses	Accessory Uses	Uses Not included
<p>Sales-Oriented: Convenience store (with or without gas sales) Drive-through facility Store selling, leasing or renting consumer, house, and business goods including alcoholic beverages, antiques, appliances, art supplies, baked goods, bicycles, books, cameras, floor coverings, crafts, clothing, computers, dry goods, electronic equipment, flowers, furniture, garden supplies, gasoline, gifts, groceries, hardware, home improvement, household products, jewelry, medical supplies, musical instruments, outdoor farmers market, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, printed materials, produce, sporting goods, stationery, tobacco and related products, vehicle parts, and videos</p> <p>Personal Service-Oriented: Art, music, or dance, gallery or studio Athletic, tennis, swim or health club Bulk mailing service Catering facility (small-scale) Laundry drop-off facility, laundromat Funeral home or mortuary Hair, nail, tanning, massage therapy Photocopy, blueprint, and quick-sign service Psychic or medium Security service Tailor, milliner, upholsterer Taxi dispatch center Taxidermist Veterinary clinic, animal hospital or kennel Urgent care or emergency medical office</p> <p>Repair-Oriented: Appliance, bicycle, canvas product, clock, computer, gun, jewelry, locksmith, musical instrument, office equipment, radio, shoe, television or watch repair</p>	<p>Ancillary indoor storage Associated offices Food preparation and dining area Manufacture or repackaging of goods for on-site sale Public recycling drop-off site Residential unit for security purposes (single unit) Storage of goods</p>	<p>Adult videos (see Indoor Recreation) Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause (see Heavy Industrial) Car wash (see Vehicle Sales and Service) Crematorium (see Light Industrial) Large-scale catering (see Light Industrial Service) Laundry or dry-cleaning plant (see Light Industrial Service) Repair or service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service) Restaurant (see Restaurants) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) Small-scale catering (see Restaurants)</p>

VEHICLE SALES AND SERVICE		
Characteristics: Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.		
Principal Uses	Accessory Uses	Uses Not included
Car wash Manufactured housing sales Vehicle sales, rental, or leasing facilities (including passenger vehicles, motorcycles, trucks, boats, and other recreational vehicles) Vehicle service; including alignment shop, auto body shop, auto paint facility, auto upholstery shop, towing service Vehicle service, limited; including auto detailing, auto repair, battery sales and installation, fuel sales (other than with a convenience store), quick lubrication facilities, tire sales and mounting	Ancillary indoor storage Associated offices Incidental sale of parts Single-bay, automatic car wash Towing Vehicle fueling Vehicle storage	Convenience store with gasoline sales (see Retail Sales and Service) Retail sale of farm equipment and machinery and earth moving and heavy construction equipment (see Heavy Industrial) Vehicle parts sale as a principal use (see Retail Sales and Service)

E. Office Uses

OFFICE USES		
Characteristics: Activities conducted in an office setting and focusing on business, government, professional, medical or financial services.		
Principal Uses	Accessory Uses	Uses Not included
Advertising office, business management consulting, data processing, financial business such as lender, investment or brokerage house, collection agency, real estate or insurance agent, professional service such as lawyer, accountant, bookkeeper, engineer, architect, sales office, travel agency, business incubator Bank Conference center Counseling in an office setting Government office Medical, dental office TV or radio studio Utility office	Ancillary storage Cafeteria Day care Health facility Helistop Meeting room On-site day care, school or facility where children are cared for while parents or guardians are occupied on the premises Other amenity for the use of on-site employees Internal support retail Restaurants (without drive through)	Contractor or others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (see Light Industrial Service) Office/warehouse (see Warehouse and Freight Movement) Research, testing, and development laboratory (see Light Industrial Service) Urgent care or emergency medical office (see Retail Sales and Service) Retreat center (see Overnight Accommodation)

Article 7 Permitted Uses**7.1 Use Interpretation****F. Industrial Uses**

HEAVY INDUSTRIAL		
Characteristics: Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to general public limited.		
Principal Uses	Accessory Uses	Uses Not included
Animal processing, fats and oils, packing, treating, and storage, livestock slaughtering, canned, cured, or frozen fish Asphalt plant Concrete, cut stone, and clay products manufacturing plant Energy generating facility Furniture manufacturing and woodworking facilities Hazardous or low-level nuclear material disposal Heavy construction contractors operations Manufacture of aircraft and aircraft parts, boats, yachts, and ships, small arms ammunition, animal feeds, including dog and cat, alcoholic beverage products, asbestos, abrasive, or related products, batteries, floor coverings other than carpet, Metal coating and engraving Motor vehicle assembly Paper products, coating and laminating, pulp and paper mills Petroleum and related products, tires and inner tubes Processing of food and related products Production of chemical, paints, and allied products, rubber, leather and tanning, clay, bone, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including coating, enameling, engraving, and galvanizing, sawmill or planing mill Railroad freight yard Sale of farm equipment and machinery and earth moving and heavy construction equipment Surface active agents Tobacco products Wood products other than containers Wrecking, junk or salvage yard (including vehicle or manufactured home salvage), major demolition debris landfill, scrap and waste industries	Associated offices Cafeteria Product repair Repackaging of goods Warehouse, storage	Animal waste processing (see Waste-Related Service) Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service) Store selling, leasing, or renting consumer, house, and business goods (see Retail Sales and Service)

Light Industrial		
Characteristics: Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.		
Principal Uses	Accessory Uses	Uses Not included
Building, heating, plumbing, or electrical contractor, contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site Catering facility, large-scale Clothing or textile manufacturing Commercial bakery Contractor's office and storage operations Crematorium Equipment rental Exterminator Janitorial and building maintenance service Laundry, dry-cleaning, and carpet cleaning plants Maintenance yard or facility Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items or electrical items, and toys Movie production facility Photo-finishing laboratory Printing, publishing, and lithography Production of artwork Repair of scientific or professional instruments, electric motors Regional recycling center Sheet metal shop Sign-making Soft drink bottling Storage area used for manufacturing Welding, machine, tool repair shop Woodworking, including cabinet makers and furniture manufacturing	Accessory medical clinic Ancillary indoor storage Associated office Cafeteria Day care Employee recreational facility On-site repair facility Residential unit for security purposes (single unit)	Manufacture and production of goods from composting organic material (see Waste-Related Service) Outdoor storage yard (see Warehousing and Freight Movement) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) Small-scale catering establishments (see Restaurants)

Article 7 Permitted Uses**7.1 Use Interpretation**

RESEARCH AND DEVELOPMENT		
Characteristics: Firms engaged in the fields of research and development. Few customers, especially the general public, come to the site.		
Principal Uses	Accessory Uses	Uses Not included
Research, testing, and development laboratory, pilot plant, prototyping Research-related manufacturing	Accessory medical clinic Ancillary indoor storage Associated office Cafeteria Day care Employee recreational facility Major utilities, such as water towers and electrical substations On-site repair facility Outdoor storage, storage of hazardous and nuclear materials, incinerators, warehousing and employee retail and service facilities Residential unit for security purposes (single unit)	Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) Small-scale catering establishments (see Restaurants)

RESOURCE EXTRACTION		
Characteristics: Characterized by uses that extract minerals and other solids and liquids from land		
Principal Uses	Accessory Uses	Uses Not included
Drilling for oil or natural gases Extraction of sand, gravel or minerals, borrow pit Mining, Class I Mining, Class II Quarries	Ancillary indoor storage Associated offices Equipment storage	Solid or liquid waste transfer or composting (see Waste-Related Service) Stockpiling of sand, gravel, or other aggregate materials (See Warehouse and Freight movement)

SELF-SERVICE STORAGE		
Characteristics: Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.		
Principal Uses	Accessory Uses	Uses Not included
Mini-warehouse Multi-story enclosed storage facility Storage garage	Associated office Outside storage of boats and campers On-site recycling facility Residential unit for security purposes (single unit)	Rental of light or medium trucks (see Vehicle Sales and Service) Storage area used as manufacturing use (see Light Industrial Services) Storage area used for sales, service, and repair operations (see Retail Sales and Service) Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred (see Warehouse and Freight Movement)

WAREHOUSE AND FREIGHT MOVEMENT		
Characteristics: Firms involved in the storage or movement of goods for themselves or other firms. Goods are delivered to other firms or the final consumer with little on-site sales activity to customers.		
Principal Uses	Accessory Uses	Uses Not included
Bulk storage, including nonflammable liquids, feed and grain storage, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store Bus barn Outdoor storage yard Parcel services Stockpiling of sand, gravel, or other aggregate materials Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred	Ancillary indoor storage Associated office Cafeteria Daycare Employee recreational facility Outdoor storage yard Residential unit for security purposes (single unit) Truck fleet parking and maintenance area	Bulk storage of flammable liquids (see Heavy Industrial) Contractor's office and storage operations (see Light Industrial) Mini-warehouse, multi-story enclosed storage facility, storage garages (see Self-Service Storage) Solid or liquid waste transfer or composting (see Waste-Related Service)

Article 7 Permitted Uses

7.2 Use Table

WASTE-RELATED SERVICE		
Characteristics: Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.		
Principal Uses	Accessory Uses	Uses Not included
Animal waste processing Landfill (including Construction and Demolition), incinerator, non-hazardous private solid waste disposal Composting and manufacture and production of goods from composting organic material Recyclable material storage, including construction material Recycling center Transfer station	Ancillary indoor storage Associated office Off-street parking On-site refueling and repair Recycling of material Repackaging and shipment of by-products	Stockpiling of sand, gravel, or other aggregate materials (see Warehouse and Freight Movement)

WHOLESALE TRADE		
Characteristics: Firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.		
Principal Uses	Accessory Uses	Uses Not included
Mail-order house Sale of ammunition, animals, and animal products agricultural chemicals, pesticides or fertilizers, chemicals and allied products, grain and field beans, livestock, lumber and other construction materials, construction and mining machinery, farm and garden machinery, minerals, petroleum and petroleum products resins, restaurant equipment, and store fixtures, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, Wholesaling of food, clothing, auto parts, and building hardware	Accessory medical clinic Ancillary indoor storage Associated offices Cafeteria Day care Minor fabrication services Product repair Repackaging of goods Residential unit for security purposes (single unit) Warehouse	Store selling, leasing, or renting consumer, house or business goods, wholesale club (see Retail Sales and Service) Warehouse, freight movement (see Warehouse and Freight Movement) Warehouse or wholesale club (see Retail Sales and Service) Major demolition debris landfill, scrap and waste industries (see Heavy Industrial)

7.2 USE TABLE

7.2.1. Key to Types of Use

A. Permitted

A"P" in the use table indicates that a use is permitted by right in the respective district. Such uses are also subject to all other applicable requirements of this Ordinance.

B. Permitted Subject to Limited Use Standards

An “L” in the use table indicates that a use may be permitted administratively, subject to additional limited use standards contained in Section 7.3, Limited Use Standards. The applicable limited use standards are cross-referenced in the far right column of the use table. Such uses are subject to all other applicable requirements of this Ordinance.

C. Permitted Subject to Special Exception Permit

An “S-BA” indicates a use that may be permitted in the respective district only where approved by the Zoning Board of Adjustment in accordance with Section 3.9 Special Exception Permit. An “S-PB” indicates a use that may be permitted in the respective district only where approved by the Planning Board in accordance with Section 3.9. Uses requiring Special Exception Permits are subject to all other applicable requirements of this chapter, including the additional limited use standards contained in Section 7.3, Limited Use Standards, except where such use standards are expressly modified by the approving authority as part of the Special Exception Permit approval.

D. Standards

The “Standards” column on the use table is a cross-reference to any use standard listed in Section 7.3, Limited Use Standards. Where no cross-reference is shown, no additional use regulations shall apply.

7.2.2. Uses Not Specifically Listed

- A.** Any use not specifically listed in this chapter is expressly prohibited, unless the Planning Director determines in accordance with Section 3.13, Written Interpretation, that the use is similar to a permitted individual use or permitted group of uses as listed in this Article. Where such similar permitted individual use or permitted group of uses is subject to a limited use standard contained in this Article or special exception review, the proposed use shall also be subject to such standard or approval. The Planning Director shall not amend this chapter by adding to or eliminating any use standard for the proposed use.
- B.** Where a use not listed is found by the Planning Director not to be similar to any other permitted individual use or permitted group of uses, the use shall be permitted only following a text amendment in accordance with Section 3.2, Ordinance Text Amendment. The decision of the Planning Director may not be appealed to the Board of Adjustment.
- C.** When considering the appropriate districts for a use not listed in the Permitted Use Table, the district intent statements (see Article 6, Zoning Districts) shall be taken into consideration.
- D.** Determination of an appropriate group of uses for a proposed use not currently listed shall be made by applying the following criteria.
 - 1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.
 - 2. The relative amount of site area or floor space and equipment devoted to the activity.
 - 3. Relative amounts of sales from each activity.
 - 4. The customer type for each activity.
 - 5. The relative number of employees in each activity.
 - 6. Hours of operation.
 - 7. Building and site arrangement.
 - 8. Types of vehicles used and their parking requirements.

Article 7 Permitted Uses

7.2 Use Table

9. The relative number of vehicle trips generated.
10. Signs.
11. How the use is advertised.
12. The likely impact on surrounding properties.
13. Whether the activity is likely to be found independent of the other activities on the site.

7.2.3. Developments with Multiple Principal Uses

- A. When all principal uses of a development fall within one use category (see Section 7.1.1, Grouping of Uses) the entire development shall be assigned to that use category.
- B. When the principal uses of a development fall within different group of uses or no group of uses, each principal use shall be classified in the applicable group of uses or treated as an individual use and each use shall be subject to all applicable regulations for that group of uses or individual use.
- C. A development comprised of uses regulated by separate rows on the Permitted Use Table shall be reviewed using the most restrictive process from among the proposed uses.

Commentary: *If a proposed development includes a gas station, library and a restaurant, including outparcels, and one of those uses is only permitted as a special exception in the district, then the entire development requires special exception review.*

- D. Where a use requiring approval as a limited use or a special exception lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

Commentary: *For example, where a vehicle repair shop in a C-LD District (subject to special exception review) is an outparcel within a larger retail development, the special exception shall review the outparcel only – not the entire development. However, where a special exception is proposed in a building that contains a variety of other uses, the entire building and its associated parcel(s) of land shall require special exception review.*

7.2.4. Use Table

The following principal uses are permitted by right, permitted subject to limited use standards, or permitted subject to a Special Exception Permit.

Use		AG	RR	R-7500	R-6000	MR-3200	C-LD	C-N	C-I	I-RU	I-G	Standards
KEY: Blank Cell = Use Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 7.3); "S-PB" = Special Exception- Planning Board Approval (Section 3.9); "S-BA" = Special Exception- Board of Adjustment Approval (Section 3.9); "AS" = Allowed in an Alternative Subdivision (see Section 6.7.9)												
Agricultural												
Agricultural	All Agricultural uses, except as listed below	P	P				P		P		P	
	Agricultural Industry	S-BA	S-BA				L		L	L	P	7.3.2.A
	Bona Fide Farms	L	L	L	L		L	L	L	L	P	7.3.2.B
	Private Stables	P	P	S-BA	S-BA							
Landscaping / Nursery	Landscaping and Horticultural Services	P	P				P					
	Nurseries	P	P				P	P				
Residential												
Household Living	Single Family Detached	P	P	P	P	P	P	P	S-BA		S-BA	
	Zero Lot Line	L	L	L	L	L	L	L				7.3.3.H
	Traditional	AS	AS	P	L							7.3.3.F/6.7.6.C
	Semi-Attached	AS	AS	L	L	P	L	L				6.7.6.C
	Duplex	AS	AS	P	P	P	L	L				6.7.6.C
	Townhouse	AS	AS	AS	AS	P	L	L				6.7.6.C
	Family Care Home	L	L	L	L	L	L	L	S-BA		S-BA	7.3.3.B
	Manufactured Dwelling, Class A or B	L	L	L	L		L	L	S-BA		S-BA	7.3.3.C
	Manufactured Dwelling, Class C		L				L	L	S-BA		S-BA	7.3.3.C.47.3.3.A
	Manufactured Home Park	S-PB	S-PB		S-PB		S-PB	S-PB				7.3.3.D
	Upper Story Residential					L	L	L				7.3.3.G
	Planned Unit Development- Residential			S-PB	S-PB							6.7.6.C
Group Living	All Group Living, except as listed below				S-BA	P						
	Boarding House						P					
	Group Care Home		S-BA	S-BA	S-BA		S-BA	S-BA				7.3.3.A
	Nursing Home Facilities	S-BA	L	S-BA	S-BA		L	L				7.3.3.E
Home Occupation	All Home Occupation	L	L	L	L	L	L	L	S-BA		S-BA	7.4.3
Public and Civic												
Community Service	All Community Service, except as listed below					S-PB	P		P			
	Fraternal Club or Lodge	P	P				P	P				7.3.4.G

Article 7 Permitted Uses

7.2 Use Table

Use		AG	RR	R-7500	R-6000	MR-3200	C-LD	C-N	C-I	I-RU	I-G	Standards
KEY: Blank Cell = Use Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 7.3); "S-PB" = Special Exception- Planning Board Approval (Section 3.9); "S-BA" = Special Exception- Board of Adjustment Approval (Section 3.9); "AS" = Allowed in an Alternative Subdivision (see Section 6.7.9)												
	Auditorium	S-PB	S-PB				S-PB					7.3.4.A
	Day Care Facilities	L	L	S-BA	S-BA	S-BA	L	L				7.3.4.C
	Day Care Home	L	L	L	L	L	L	L				7.3.4.D
Educational Facilities	Educational Facilities	L	L	S-PB	S-PB		L	L	S-BA		S-BA	7.3.4.E
	Business and Vocational Schools								L	L	L	7.3.4.L
	University or College		S-BA						S-BA			
Emergency Shelter	All Emergency Shelter, except as listed below	S-BA	S-BA				S-BA					7.3.4.F
	Temporary Emergency Shelter during state of emergency	P	P	P	P	P	P	P	P	P	P	
Government Facilities	Correctional Facility	S-BA									S-BA	7.3.4.A
	Government Offices and Buildings	L	L	S-BA	S-BA	S-BA	L	L	L		L	7.3.4.H
Medical Facilities	All Medical Facilities, except as listed below											
	Clinics and Laboratories						L	L				
	Hospitals		S-BA				L		L			7.3.4.I
Parks and Open Areas	All parks and Open areas, except as listed below	P	P	P	P	P	P	P	P		P	
	Arboretum and Botanical Gardens	P	P				P	P	P		P	
	Cemeteries, mausoleums, columbaria, memorial gardens	P	P	S-BA	S-BA	S-BA	S-BA	S-BA				
Passenger Terminal	Airstrip		S-BA								S-BA	
	Bus Terminal		S-BA						P		P	
Place of Worship	All Places of Worship	P	P	P	P	P	P	P	P	P	P	7.3.4.J

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7.2 Use Table

Use		AG	RR	R-7500	R-6000	MR-3200	C-LD	C-N	C-I	I-RU	I-G	Standards
KEY: Blank Cell = Use Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 7.3); "S-PB" = Special Exception- Planning Board Approval (Section 3.9); "S-BA" = Special Exception- Board of Adjustment Approval (Section 3.9); "AS" = Allowed in an Alternative Subdivision (see Section 6.7.9)												
Utilities	Major Utilities [formerly government facilities]	S-BA	S-BA				S-BA	S-BA	S-BA	S-BA	S-BA	7.3.4.L
	Minor Utilities	L	L	L	L	L	L	L	L	L	L	7.3.4.L
	TV/HDTV/AM/FM Broadcast Antennae	S-BA	S-BA				S-BA	S-BA	S-BA	L	L	7.3.4.K
	Wireless Telecommunication Facility	S-BA	S-BA	S-BA			S-BA	S-BA	S-BA	L	L	7.3.4.N
Commercial Uses												
Campground	Campground, except as listed below	S-PB	S-PB				S-PB					7.3.5.B
	Nude campground, colony, or resort	S-BA	S-BA				S-BA					7.3.5.M
Commercial Parking	All Commercial Parking						L		L			7.3.5.E
Funeral Home	All Funeral Homes, except as listed below		P				P	S-BA				
	Funeral Home with Crematorium		S-BA				P					
	Mortuaries						L	L				7.3.5.K
Indoor Recreation	All Indoor Recreation, except as listed below						P					
	Adult & Sexually Oriented Business										S-BA	7.3.5.A
	Nightclub, Tavern, or Bar (with alcohol sales)					S-BA		S-BA				7.3.5.L
	Fraternal Clubs and Lodges	L	L	S-BA	S-BA		L	L			S-BA	7.3.4.G
	Shooting Range, indoor	S-BA	S-BA									
	Skating Rinks						P					
	Video Gaming Machine										S-BA	7.3.5.W
Outdoor Advertising	Outdoor Advertising Structure						L		L		L	12.7.1
Outdoor Recreation	Outdoor Recreation, except as listed below	P	P									
	Commercial Boating Facilities		P				P				P	
	Commercial Recreation		S-BA				S-BA	S-BA	L		L	7.3.5.E
	Racetracks	S-BA	S-BA								S-BA	
	Golf Courses	L	L	L	L	L	L	L				7.3.5.G
	Golf Driving Ranges	P	P				P	P				
	Hunting Clubs	P	P									
	Shooting Ranges, outdoor	S-BA	S-BA									

Article 7 Permitted Uses

7.2 Use Table

Use		AG	RR	R-7500	R-6000	MR-3200	C-LD	C-N	C-I	I-RU	I-G	Standards
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Overnight Accommodation	Bed and Breakfast	P	P	P	S-PB		P	P				
	Hotel and Motel without alcohol sales					S-BA	L		L			7.3.5.I
	Hotel and Motel with alcohol sales					S-BA	S-BA					7.3.5.I
	Retreat Center	S-BA	S-BA									
Planned Groups of Structures	Planned Groups of Structures						S-PB	S-PB	S-PB		S-PB	
Retail Sales and Service	All retail sales and service, except as listed below											
	Drive Through Facilities						L	L	L	L		7.3.5.G
	Flea Markets		S-BA									
	Kennel	L	S-BA				S-BA	S-BA				7.3.5.W
	Martial Arts Instructional Schools		S-BA				P	S-BA				
	Outdoor Sales or Display Areas		S-BA				S-BA		L			7.3.5.M
	Performing Arts Studio						P	P				
	Personal Service Establishments	L					L	L				7.3.5.O
	Restaurants	L	L			L	L	L	L		L	7.3.5.R
	Retail sales less than or equal to 10,000 square feet	L	P			L	L	L				7.3.5.S
	Retail sales more than 10,000 square feet.	S-BA	S-BA				L	S-BA			L	7.3.5.S
	Veterinary Establishments, Animal Hospital	S-BA	S-BA				S-BA	L				7.3.5.W
Self-Service Storage Facility	Self-Service Storage Facility	L	L				L		L			7.3.5.T
Vehicle Sales and Service	Car Wash	L	L				L					7.3.5.C
	Garage Service and/or Automobile Repair	S-BA	S-BA				S-BA		L		L	7.3.5.V
	Repair, Renovation, and Remodeling of Farm Equipment	L	S-BA				S-BA	S-BA	L		L	7.3.5.Q
	Manufactured and Modular Home Sales and Service		S-BA				S-BA		L			7.3.5.J
	Vehicle and Heavy Equipment Sales and Rentals.	S-BA					S-BA		S-PB			7.3.5.U
Office												
Office Uses	All office uses, except those listed below						P	L				7.3.6.A
	Banks and Financial Institutions		P				P	P	P			7.3.6.B

Article 7 Permitted Uses

7.2 Use Table

Use		AG	RR	R-7500	R-6000	MR-3200	C-LD	C-N	C-I	I-RU	I-G	Standards
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Industrial												
Heavy Industrial	All Heavy Industrial, except as listed below										P	
	Animal slaughtering and rendering	S-BA								P		
	Energy Generating Facility	S-BA								S-BA	S-BA	
	Incinerators for the disposal of animal remains	S-BA										
	Junkyard and Manufactured Home Salvage and Storage Yard	S-BA							S-BA		S-BA	7.3.7.D
	Planing Mill/Sawmill	S-BA	S-BA						P			
	Seafood Processing						S-BA					
Light Industrial	All light industrial, except as listed below								P		P	
	Audio/Video Production and Distribution						P		P		P	
	Contractor's office and storage operations	L	L							P	P	
	Craft and woodworking shops		L				L	L				7.3.7.A
Resource Extraction	Research Facilities	S-BA					P		P			
	All Resource Extraction, except as follows									P		
	Mining Operations, Class I		S-BA						S-BA	L	S-BA	7.3.7.A
Warehouse and Storage	Mining Operations, Class II								S-BA	L	S-BA	7.3.7.G
	All Warehousing and Storage, except as follows						S-BA		P	P	P	
	Freight Handling Facilities								P		P	
Waste Related Services	Storage, Above and Below Ground									P		
	Construction and Demolition Landfill									P	S-PB	
	Hazardous Materials Treatment Facility										S-BA	7.3.7.A
	Waste Disposal Site, Non-hazardous Solid or Liquid	S-BA										
	Wood Waste Grinding Operations	S-BA								L	S-BA	7.3.7.H
Wholesale Sales and Service	All Wholesale Sales and Service								P	P		

7.3 LIMITED USE STANDARDS

7.3.1. General

- A. These standards shall only apply to those districts and uses where the “L”, “S-PB”, or “S-BA” is designated on the use table in Section 7.2. If a “P” is designated in the use table, these standards shall not apply and the use shall be permitted in compliance with the general development standards of the underlying zoning and other applicable requirements of this Ordinance. If a blank cell is designated, then the use is not permitted.
- B. Unless specifically exempted within this Section, all other applicable requirements of this Ordinance apply. These include:
 - 1. **Zoning District Standards:** Article 6
 - 2. **Design and Performance Standards:** Article 8
 - 3. **Landscaping and Buffering Standards:** Article 9
 - 4. **Subdivision Standards:** Article 10
 - 5. **Stormwater Management Standards:** Article 11
 - 6. **Signs Standards:** Article 12

7.3.2. Agricultural Use Standards

A. Agricultural Industry

Agricultural industry shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

- 1. The commodity processed shall be produced entirely on the same premises by a bona fide farm and no commodity not produced on the same land of this farm shall be treated or processed.

B. Bona Fide Farms

Bona fide farms shall be permitted in accordance with the use tables in 7.2, subject to the following:

- 1. The farm property shall be participating in the farm present-use-value taxation program established by N.C.G.S. 105-277.2 through 105-277.7, or is otherwise determined by the County to meet all the qualifications of this program set forth in N.C.G.S. 105-277.3.
- 2. The land may be used for activities relating to production, and activities incidental to production of crops, fruits, vegetables, ornamental and flowering plants, grasses and grains, forest products, dairy, livestock, fish and shellfish, poultry, and other agricultural products having a domestic or foreign market.
- 3. Bona fide farm property shall be exempt from lot width and area requirements of the base district. However, yard requirements shall apply to a bona fide farm.
- 4. Commercial and industrial processing shall not be permitted.
- 5. Bona fide farms may be permitted to have more than one principal structure, provided all yard requirements are met.
- 6. Bona fide farms shall be permitted to have accessory structures without a principal structure, provided all yard requirements are met.
- 7. With the exception of residential dwelling structures, bona fide farm structures may be permitted to exceed the height requirements of the base district by 50%.
- 8. Bona fide farms shall be exempt from the Performance Standards found in Section 8.10.

9. On site sales of produce grown on the premises shall be permitted.

7.3.3. Residential Use Standards

A. Group Care Home

Group care homes shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. A group care home may be no closer than one-half mile radius, measured lot line to lot line, from any existing and/or permitted family care home, group care home, or emergency shelter.
2. The home shall be operated in a manner that is compatible with the neighborhood and shall not be detrimental to adjacent properties as a result of traffic, noise, refuse, parking or other activities.
3. The home shall maintain a residential appearance compatible with the neighborhood.
4. The home shall meet all State requirements, and all applicable housing and building code requirements.

B. Family Care Home

Family Care homes shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. A family care home may be no closer than one-half mile radius, measured lot line to lot line, from any existing and/or permitted family care, group care home, or emergency shelter.
2. The structure of a family care home may be no more than two stories high and none of the aged or physically disabled persons being served there may be housed in the upper story without provision for two direct exterior ground-level accesses to the upper story (N.C.G.S. 131D-2.(5)).
3. The home shall meet all State requirements, and all applicable housing and building code requirements.

C. Manufactured Homes: Class A, B, and C

Class A, B, and C manufactured homes shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. All Manufactured Homes

All manufactured homes shall meet or exceed the following criteria:

- i. The manufactured home shall have been constructed after July 1, 1976 and shall meet or exceed the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction.
- ii. The manufactured home shall be set up and tied down in accordance with the standards set by the North Carolina Department of Insurance.
- iii. Unless located in a Manufactured Home Park, screening of the foundation area shall be by a continuous, permanent masonry foundation or masonry curtain wall which is in accordance with NC Building Code regulations, unbroken except for required ventilation and access, and which shall be installed under the perimeter of the manufactured home.
- iv. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code, free standing or attached firmly to the primary structure and anchored securely to the ground.

- v. Unless located in a Manufactured Home Park, the moving hitch, wheels and axles, and transporting lights shall have been removed.
- vi. At least two off-street parking spaces shall be provided.
- vii. The lot shall be cleared of all excess growth and graded to provide adequate drainage.
- viii. All areas not used for parking, manufactured home, or required porches, shall be grassed or otherwise suitably landscaped to prevent erosion.
- ix. All standards must be met prior to issuance of a certificate of occupancy.
- x. In addition to the home occupations standards in 7.4.3, home occupations may not occupy more than 50% of the enclosed floor area of a manufactured home and must be approved by the Inspections Director for compliance with the Building Code.

2. Class A Manufactured Homes

Class A manufactured homes shall meet or exceed requirements for All Manufactured Homes listed above (subparagraph 1.) and the following criteria:

- i. The minimum width (the width being the narrower of the two overall dimensions) of the main body of the home as assembled on the site shall be at least 22 feet for a distance extending along the length.
- ii. The manufactured home shall have a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- iii. The manufactured home shall have a minimum of 960 square feet of enclosed and heated living area per dwelling area.
- iv. The manufactured home shall be oriented on the site in such a manner that the side having the main entrance, and by design intended to be the front of the manufactured home, is generally parallel to the street abutting the site.
- v. The pitch of the roof of the manufactured home have a minimum vertical rise of two feet, three inches (2'-3") for each 12 feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction and which does not exceed the reflectivity of gloss white paint.
- vi. All roof structures shall provide an eave projection of no less than ten inches from each exterior wall, which may include a gutter.
- vii. The exterior siding shall consist predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- viii. The required foundation area skirting shall be installed around a poured concrete footer after placement on the lot, and before occupancy.

3. Class B Manufactured Homes

Class B manufactured homes shall meet or exceed requirements for All Manufactured Homes listed above (subparagraph 1.) and the following criteria:

- i. The minimum width (the width being the narrower of the two overall dimensions) of the main body of the manufactured home as assembled on the site shall be at least 22 feet for a distance extending along the length (the length being the longer of the two overall dimensions) of at least 20 feet.

4. Class C Manufactured Homes

Class C manufactured homes shall meet or exceed the requirements for All Manufactured Homes listed above (subparagraph 1.).

5. Class D Manufactured Homes

Homes not satisfying the requirements for All Manufactured Homes listed above (subparagraph 1.) shall be considered Class D Manufactured Homes and may not be brought into or relocated in Brunswick County. However, existing Class D Manufactured Homes may remain subject to the requirements of Section 4.4, Nonconforming Structures.

D. Manufactured Home Park

Manufactured home parks shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. Parks Developed in Phases

- i. When a manufactured home park is to be developed in stages, a manufactured home park plan shall be submitted for the entire development, and an application for plan approval shall be made for each stage of development.
- ii. When a manufactured home park is to be developed in stages, the proposed park plan shall be submitted for the entire development and application for a zoning certificate of compliance may be made for each stage developed.

2. Expiration of Planning Board Approval

Manufactured home park construction must begin within 12 months of Board approval. This expiration period may be extended by the Planning Board for an additional 12 months if the extension is applied for before the end of the original 12 month period. If the construction of the park has not begun within the time permitted, the approval shall expire and all permits shall be null and void. In such case, the applicant shall be required to resubmit the application in conformance with the most current ordinance.

3. General Standards

- i. Manufactured homes shall comply with the standards listed in Section 7.3.3.C, Manufactured Homes: Class A, B, and C unless specifically exempted.
- ii. A minimum of 15 spaces are required to create a manufactured home park.
- iii. An administrative office may be located in one manufactured home located in the park in compliance with Section 7.4.3, Home Occupations.
- iv. The transfer of title of a manufactured home site or sites either by sale or by any other manner shall be prohibited within a manufactured home park as long as the manufactured home park is in operation.
- v. All structural additions to manufactured homes other than those which are built into the unit and designed to fold out or extend from it shall be erected only after a building permit shall have been obtained, and such additions shall conform to the North Carolina State Building Code and the setback requirements of this Ordinance. An Existing Septic system check shall be required to ensure the proposed addition(s) do not encroach on any part of the septic system.
- vi. All manufactured home parks shall comply with regulations for signs within the zoning district they are located.
- vii. Convenience establishments of a commercial nature shall be limited to food stores, coin-operated laundries and beauty parlors, and barber shops. These may be permitted in manufactured home parks subject to the permitted use table and the following restrictions:
 - (a) Such establishments must be permissible and comply with the applicable requirements for the district in which they are located.
 - (b) Such establishments shall be subordinate to the residential use and character of the park.

- (c) Such establishments shall present no visible evidence of commercial character from any portion of any residential district outside the park.
 - (d) Such establishments shall require Planning Board approval as a part of the required park plan.
 - (e) Such establishments shall be designed to serve the trade and service needs of the park residents only.
- viii. All manufactured home units shall be placed individually on approved manufactured home sites where all design standards and utilities have been completed.
 - ix. No living compartment or structure other than that of a prefabricated structure specifically designed for manufactured home use or extension shall be added to any manufactured home parked within the jurisdiction of this Ordinance.
 - x. No junked wrecked vehicles may remain in a manufactured home park.
 - xi. Unless located in designated storage areas, campers, recreational vehicles, travel trailers and other temporary dwelling structures are not permitted in Manufactured Home Parks.
 - xii. No more than one manufactured home will be allowed on each approved manufactured home site. In no case shall any manufactured home be placed on any open space or recreation area within the park.

4. Park Design Standards

- i. All Manufactured Home Parks shall have a gross land area of at least five acres.
- ii. A minimum of 5% of the total land area shall be devoted to accessible common open space intended for recreational use. These areas are separate from the manufactured home lot areas, and shall be grouped and of character suitable for active and passive recreation and shall be reasonably located for safe and convenient access to residents.
- iii. No designated manufactured home spaces shall include any areas required for screening in accordance with this Ordinance.
- iv. Each manufactured home shall be located at least 40 feet from the edge of the right-of-way of any publicly-maintained street or road.
- v. **Manufactured Home Site Area**

The minimum manufactured home site area in manufactured home parks shall be determined by the availability of public water and sewer facilities. The following minimum space requirements also takes into account the need for adequate space to prevent overcrowding, prevent fire hazards, provide sufficient light and air, and provide a safe and pleasant environment for park residents.

Home Site Dimensions	With Water and Sewer	Without Water and Sewer
Site Dimensions (minimum)		
Site area (square feet)	6,000	10,000
Site width (feet)	65	75
Site Yards (minimum feet)		
Front yard		25
Rear yard		10
Side yard		
One side		10
Total		20
Street side yard		15

vi. Accessory Structures

(a) **Accessory to a Particular Home**

- (1) Structures accessory to a particular manufactured home shall be located only on the site space containing that manufactured home and may not be located in any required Home Site yard. All such structures shall be residential in character.
- (2) Any accessory structure within a manufactured home park shall be located at least 60 feet from the public road centerline or 30 feet from the edge of the public road right-of-way, whichever is greater.

(b) **Community Accessory Structure**

Accessory structures of benefit to all residents of the manufactured home park shall be permitted elsewhere within the park, subject to the Brunswick County Zoning Ordinance. In addition to the setback requirements, said structures (e.g., community pools, club houses, etc.) shall be located at least 20 feet from any internal street and 30 feet from any manufactured home located within the park.

vii. Each home site shall have the front and rear corners clearly, permanently marked so that visual establishment of the boundaries of each site can be made.

viii. Each manufactured home site shall be identified by a permanent number which shall not be changed. The appropriate number of each manufactured home site must be permanent and visibly displayed on each site once the site is occupied by a manufactured home. Each number shall be placed on a concrete, wood, metal, or any permanent post and conspicuously located on the site.

5. Screening and Buffering

- i. At minimum, manufactured home parks must provide and maintain a project boundary buffer with a minimum opacity of 0.4 when located adjacent to an undeveloped lot and a minimum opacity of 0.8 when located adjacent to a developed lot (see Article 9, Landscaping and Buffering).
- ii. For purposes of this Section, a lot shall be considered developed if it contains at least one principal structure used for commercial purposes other than a manufactured home park or for any industrial, institutional, governmental, or residential purpose and is located within 300 feet of the lot line separating it from the manufactured home park.
- iii. Street Buffers shall be provided and maintained in accordance with Article 9, Landscaping and Buffering.
- iv. It shall be the responsibility of the manufactured home park owner to functionally maintain any required screening.

6. Utilities

i. Water

- (a) An accessible, adequate, safe and potable supply of water shall be required.
- (b) Where public, municipal, or community water systems exist within 1,000 feet of the park (the County *Utilities Policies* may require connection even when separated by greater distances), the developer shall connect to such system. If connected, a separate meter shall be used for each individual lot. If the water distribution system is installed in accordance with minimum county standards, the developer may be permitted to dedicate the system to the County to operate.
- (c) When a public water supply is not available, a community water supply may be developed and its supply used exclusively in accordance with local and state regulations and standards of the Division of Environmental Management, NC Department of Environment, Health, and Natural Resources codified in 15A NCAC

2C. Each water supply well shall be located so as to maintain a minimum pollution-free radius as specified in N.C.G.S. 15A-18C-0203. Siting of well locations should be discussed with the local health authority.

- (d) Internal water distribution systems shall be installed in accordance with minimum County Standards.

ii. Sewer

- (a) Approval by the Brunswick County Health Services shall be required for any installation, alteration or use of a sewage disposal system. All sewage wastes from each park, including wastes from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water using appliances not herein mentioned, shall be disposed of by an approved sewage disposal system.
- (b) Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Where public, municipal, or community sewer systems exist within 1,000 feet of the manufactured home park, the developer shall connect to such system (the County *Utilities Policies* may require connection even when separated by greater distances).
- (c) When a public, municipal, or community system does not exist within 1,000 feet, a community sewage disposal and treatment system complying with the requirements of the North Carolina Department of Environment, Health and Natural Resources shall be provided. Individual septic tank systems may be permitted in accordance with the requirement of the State Health Sewage Disposal Regulations.

7. Parking and Streets

i. Off-Street Parking Requirements

Two off-street parking spaces with not less than four inches of stone on a well compacted sub-base shall be provided and maintained for each manufactured home site. Required parking spaces may be included within the minimum required site area for each manufactured home site and may be located in the required front yard for each site.

ii. Public Street Access

No manufactured home site within a manufactured home park shall directly access a public road. Access to all manufactured homes and accessory structures within the manufactured home park shall be made using internal streets.

iii. Internal Street Standards

- (a) Maintenance of all internal streets and drainage facilities shall be the responsibility of the owner of the manufactured home park. Such streets shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water and associated problems which would impede or cause hazards to motor vehicles. Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the bump must be placed along the street.
- (b) All streets shall be paved to NCDOT minimum pavement (cross section construction) standards. Streets shall have a minimum paved width of 20 feet.
- (c) Any dead-end shall be provided with a permanent turnaround with a minimum radius of 40 feet.
- (d) All internal streets within the campground shall be improved with adequate and suitable drainage facilities.
- (e) Manufactured home parks containing 20 or more manufactured home sites shall provide two-way streets shall be used throughout the manufactured home park

except in instances where one-way streets would serve as a better means to channel vehicular traffic in the park.

- (f) Each manufactured home space shall have a driveway within the park.
- (g) All internal streets that dead-end shall be provided with a permanent turn-around. All such required cul-de-sacs shall have minimum diameter of 50 feet for required unpaved streets.
- (h) All parking within the manufactured home park shall take place off from the internal street within designated parking areas only. All internal streets within the park shall be equipped with adequate and suitable drainage facilities.

iv. External Access

- (a) In general, manufactured home parks should not be located on through lots. When located on a through lot, the park shall be designed to discourage through-traffic. Manufactured home parks with only one point of external access shall provide at least one permanent turnaround within the park. All external access shall be approved by the North Carolina Department of Transportation.

8. Manufactured Home Park Operations

i. Refuse Collection

- (a) The manufactured home park owner shall be responsible for refuse collection. Arrangements may be made for a private vendor or other sources to collect refuse either from individual sites or from conveniently located dumpster sites. Individual refuse receptacles shall be waterproof and rodent proof. The method of garbage disposal shall be noted on the plan and approved by the Planning Board. Refuse/garbage shall be collected and disposed to prevent the creation of nuisance and public health hazards.
- (b) Building and grounds shall be maintained free of rodent/insect harborage and infestation. Extermination methods and other control measures shall be in accordance with the requirements of licensed pest control operators. The manufactured home park owner shall be responsible for pest extermination and pest control measures to prevent the development of unsanitary conditions.

ii. Inspection

- (a) The Brunswick County Environmental Health Services, the Brunswick County Building Inspections Department and the Brunswick County Planning Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance. If connecting to County water the developer must comply with minimum county standards. Utilities staff must be present during pressure test and chlorination along with the design engineer. It shall be the duty of the owners or occupants of manufactured home parks to give these agencies free access to such premises at reasonable times for inspections.
- (b) The person to whom an operating permit for a manufactured home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- (c) The park owner shall notify park occupants of all applicable provisions of this Ordinance and inform them of their responsibilities under this Ordinance.

E. Nursing Home Facilities

Nursing home facilities shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

F. Traditional House (see Section 6.7.4, Housing Types)**7.3 Limited Use Standards**

1. In the C-LD and C-N zoning districts, a minimum lot width of 150 feet shall be required instead of the district base requirements.
2. In the C-LD and C-N zoning districts, nursing home facilities that are not served by water and sewer facilities shall require a minimum lot area of 15,000 square feet.

F. Traditional House (see Section 6.7.4, Housing Types)

An alley shall be provided to the rear of all traditional houses. All vehicular access and off-street parking shall take place from the alley.

G. Upper Story Residential

Upper story residential shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. Upper story residential may only be allowed in conjunction with Personal Service Establishments, Professional Offices/Studios, Performing Arts Studios or Restaurants or Retail Sales less than 10,000 square feet only.
2. Residential use may only be located on an upper story;
3. Ingress and egress to the residential portion shall be provided from the ground level;
4. Parking shall be based on both residential and commercial development design standards;
5. All building code requirements shall apply; and
6. Commercial buffering standards shall apply to the structure.

H. Zero Lot Line House (see Section 6.7.4, Housing Types)

Zero lot line homes shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. A single side yard shall be provided comprising the equivalent of two side yards of a conventional detached house. This reduction shall not be allowed on the front yard or to the side yard adjacent to lots that are not part of the zero lot line project.
2. An easement between the two property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four feet of the adjacent property line (no roof overhang shall be permitted to extend across the property line). The easement on the adjacent property must provide at least five feet of unobstructed space. The easement shall be recorded on the subdivision plat.
3. If the side wall of the house is on the property line, or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, shall be allowed.

7.3.4. Public and Civic Uses**A. Auditorium, Civic Center, or Exposition Center**

Auditoriums, civic centers, or exposition centers shall be permitted in accordance with the use table in Section 7.2, subject to the following:

1. Auditoriums shall not be located adjacent to residential uses.
2. Auditoriums shall be located so that access is taken from a major thoroughfare.

B. Correctional Facility

Correctional facilities shall be permitted in accordance with the use table in Section 7.2, subject to

the following:

1. The facility shall be established at least 650 feet from the nearest property which is residentially zoned or used.
2. The facility shall not be established within 1,320 feet of a public or private school, day care, or place of worship.
3. The facility may not be located in the 100-year flood plain.
4. Site development shall be in conformance with the landscaping and dimensional requirements of the zoning district.
5. The approving body may deny the permit when the use would be detrimental to nearby properties or may add conditions or safeguards to the approval in order to protect the health and welfare of citizens.

C. Day Care Facility

Day care facilities shall be permitted in accordance with the use table in Section 7.2, subject to the following:

1. General

- i. The facility shall meet all applicable State requirements for standards, licensing and inspections.
- ii. Day care facilities shall provide for safe and convenient access by patrons of the facility.
- iii. Care shall be administered for a period not to exceed 24 hours.
- iv. 24-hour day care facilities shall be allowed in the C-LD or C-N districts only.
- v. When located in a residential district, hours of operation shall be limited to between 6:00 AM and 12:00 PM (midnight).
- vi. When a use permit is required, the approving authority may deny the use permit, or add additional conditions and safeguards as necessary to protect the health and welfare of the day care clients, adjacent properties, or the neighborhood. Conditions for approval that may be considered in the decision to act on a special exception permit pursuant to Section 3.9, Special Exception Permit, may include a reduction in the maximum number of individuals to be cared for on site, restrictions on the hours of operation to less than that allowed by State or federal regulations, and such other conditions as may be required to address the findings required for the permit. When the facility is located within an industrial area, the Fire Marshall shall review the proposal prior to approval and make a recommendation.

2. Additional Standards for Adult Facilities

The following additional standards shall apply to facilities serving adults:

- i. Any day care facility providing services for adults shall be no closer than one-half mile radius from any existing and/or permitted day care facility providing service for adults. The distance shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line for the lot on which the existing facility is located
- ii. Transportation to and from the service facility shall be provided or arranged for when needed and not otherwise available within the geographical area specified by the day health program.

D. Day Care- In Home

iii. Programs meeting any of the following criteria shall be exempted from these requirements and may be permitted in accordance with the use tables in Section 7.1 without the issuance of a Special Exception Permit.

- (a) Adult day care/health services caring for fewer than four people;
- (b) Adult day care/health services caring for two or more persons, all of whom are related by blood or marriage to the operator of the facility; or
- (c) Adult day care/health services that are required by State statutes other than N.C.G.S. 131D-6 to be licensed by the State Department of Human Resources.

D. Day Care- In Home

Day care homes shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

- 1. The facility shall meet all applicable State requirements for standards, licensing and inspections.
- 2. The day care home shall provide care for no more than five preschool children (including the caregiver's children), and/or three school-aged children (not including the caregiver's children), or three adults.
- 3. For the purpose of this Ordinance, the day care home shall meet all requirements for home occupations.
- 4. In addition to the parking requirements of the principal use, two additional spaces shall be provided for pickup and drop-off.

E. Educational Facilities

Educational facilities shall be permitted in accordance with the use tables in Section 7.2, subject to the minimum lot width and lot area requirements promulgated by the North Carolina State Board of Education. See the State Board of Education *Board Policy Manual*, NCGS Chapter 115C, and NCAC Title 16 for more information.

F. Emergency Shelter (excluding temporary emergency shelters during states of emergency)

Emergency shelters shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. Location Consideration

An Emergency Shelter shall be no closer than one-half mile radius from any existing and /or permitted Emergency Shelter, Group Home, or Family Care Home. The distance shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line for the lot on which the existing facility is located.

2. Shelter Management

- i. Temporary shelter shall be available to residents for no more than six months.
- ii. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
- iii. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment of programs for residents.

iv. Each Emergency Shelter must indicate as part of the written management plan how the following services will be provided (if applicable):

- (a) Food service.
- (b) Job counseling.
- (c) Alcohol and drug addiction screening and counseling.
- (d) Domestic abuse counseling.
- (e) Health Care.
- (f) Mental Health Care.
- (g) Case Management.
- (h) Transportation.
- (i) Safety Plan.

3. Development Standards

i. Common Facilities

The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:

- (a) Central cooking and dining room(s).
- (b) Recreation room.
- (c) Counseling center.
- (d) Childcare facilities.

ii. Security

Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.

iii. External Lighting

Any lighting shall be internally oriented and shall not exceed 40 feet in height in commercially zoned areas and 30 feet in height in residentially zoned areas.

iv. Recreational Areas

Emergency shelters should provide for recreational areas outside of the shelter. If families are housed in the shelter, a play area for children should be provided.

v. Outdoor Activity

For the purposes of noise abatement in residential districts, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.

vi. Unit Density

Minimum of 200 gross square feet per person.

vii. Hours of Operation

Emergency shelters may remain open 24 hours per day.

viii. Separation of Clients

Emergency shelters shall provide for separation of families from individuals and special needs clients.

ix. Buffering

Buffering shall be consistent with the requirements outlined in Article 9. No activities shall occur in the buffer area except for maintenance of the buffer and the installation of water, sewer, electrical and other utility systems.

x. Off-Street Parking

Off-street parking shall be in accordance with Section 8.1, Off-Street Parking and Loading Spaces.

G. Fraternal Clubs and Lodges

Fraternal clubs and lodges shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

District	Minimum Lot Width (ft.)	Minimum Lot Area (s.f.)		Yard (ft.)		
Water and Sewer?		Yes	No	Front	Rear	Side
C-N	150	None	15,000	Per District		

H. Government and Community Buildings, Public and Semi-Public Uses:

Government and community buildings, public and semi-public uses shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

District	Minimum Lot Width (ft.)	Minimum Lot Area (ac.)	Yard (ft.)		
			Front	Rear	Side
RR, R-7500, R-6000	200	1	Per District		

I. Hospitals

Hospitals shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

District	Minimum Lot Width (ft.)	Minimum Lot Area (s.f.)		Yard (ft.)		
Water and Sewer?		Yes	No	Front	Rear	Side
C-LD, C-N	150	None	15,000	Per District		

J. Place of Worship

Places of worship shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

District	Minimum Lot Width (ft.)	Minimum Lot Area	Yard (ft.)		
			Front	Rear	Side
RR	200 ¹	1 ac. ¹	Per District ³		
R-7500, R-6000, C-M	200	1 ac.			
C-LD, C-N	150	15,000 s.f. ²			
All other districts	Per District				

Notes:

¹ Except that existing places of worship can be expanded on lots with a minimum lot width of 120 feet provided minimum off-street parking requirements are met for the entire development.

² The minimum lot area for the base district shall apply when water and sewer are provided.

³ Within the R-7500 and R-6000 districts, no other use than off-street parking may be located in any yard of a place of worship which adjoins a residentially zoned lot.

1. The dimensional standards contained in the table above apply to the structure containing the place of worship. Additional structures containing other uses such as classrooms or offices shall be considered additional principal uses and shall conform to the standards applicable to that particular use.

K. TV/HDTV/AM/FM Broadcast Antennae

Broadcast antenna-supporting structure and/or towers, including replacements, which contain antennae/towers that transmit signals for radio and television communications shall be permitted in accordance with the use tables in Section 7.2, subject to the following additional requirements.

(Note: for Wireless Telecommunication Facilities, see 7.3.4.N)

1. Any antenna supporting structure, equipment enclosures and ancillary structures shall meet the setback requirements of the underlying zoning district plus an additional six inches for every one foot of antenna support structure height.
2. A plan indicating potential tower fall zones shall be provided with the application. This plan shall be sealed or signed by a licensed professional engineer.
3. The entire antenna-supporting structure or tower and all appurtenances shall be designed pursuant to the wind speed design requirements of ASCE 7-95, including any subsequent modification to those specifications.
4. Any facility shall be illuminated in accordance with FAA requirements to provide aircraft obstruction lighting, where required. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e. the longest duration between flashes) allowable by the FAA. No strobes or other lighting shall be permitted unless required by the FAA.
5. A landscaped buffer shall surround the base of the broadcast antenna equipment compound. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Planning Director, or designee. Grading shall be minimized and limited only to the area necessary for the new broadcast antenna.
 - i. If the proposed broadcast antenna is the principal use of the property then landscaping per Article 9, Landscaping and Buffering, shall be applicable. Additionally a buffer equivalent to that required for an Industrial use adjoining a Residential use shall be provided around the broadcast antenna equipment compound in the RR district; and a buffer equivalent to that required for a Light Industrial use adjoining a Residential use around the broadcast antenna equipment compound in all other districts.
 - ii. If the proposed broadcast antenna is to be located in front of an existing structure on the same zone lot, a street buffer shall also be required.
 - iii. On sites in residential districts adjoining public rights-of-way an opaque fence consistent with the requirements of Section 8.7.4 shall surround the broadcast antenna equipment compound.
6. The only signage that shall be permitted upon an antenna-supporting structure/tower, equipment enclosures, or fence (if applicable) shall be informational, and for the purpose of identifying the antenna-supporting structure, (such as ASR registration number) as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable).

L. Utility Facilities

7. New antenna-supporting structures/tower shall be configured and located in a manner that minimizes adverse effects including visual impacts on adjacent properties. The applicant shall demonstrate that alternate locations, configurations, and facility types have been examined and shall indicate the impact of these options in relation to adjoining properties with regard to mass and scale, height, materials and color, and illumination.

L. Utility Facilities

Utility facilities (including water, sewer, storm sewers, gas, electric, communication facilities, and other utilities, see the table titled "Utilities" in Section 7.1.1.C) shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

Commentary: Utility Facilities generally includes water, sewer, storm sewers, gas, electric, communication facilities, and other utilities, see the table titled "Utilities" in Section 7.1.1.C.

1. All utility equipment and sub-stations less than 600 square feet in size shall be exempt from minimum lot requirements in any zoning district. The district minimum yard measurements shall remain in effect. Utility equipment and sub-stations 600 square feet or larger shall comply with all lot area and yard requirements.
2. Utility facilities in residential areas or adjoining residential uses shall maintain residential setbacks (where applicable), be fenced (unless totally enclosed with a structure), and either be screened from view or designed to have a residential appearance.
3. When located in a CDS overlay district, utility equipment and sub-stations shall be screened from view from the public roadway and shall comply with the CDS landscaping and buffering requirements (see Section 6.11.6.I).

M. Vocational Schools

Vocational schools shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

District	Minimum Lot Width (ft.)		Minimum Lot Area (s.f.)		Yard (ft.)		
Water and Sewer?	Yes	No	Yes	No	Front	Rear	Side
C-LD	Per District	75	Per District	10,000	Per District		
C-N		50		7,500			

N. Wireless Telecommunication Facility (WTF)

Editor's note: The language in this section is mostly new in response to a stated desire for more tools to accommodate cell towers.

1. Purpose

The purpose of this section is to:

- i. Minimize the impacts of wireless communication facilities (WTFs) on surrounding areas by establishing standards for location, structural integrity and compatibility;
- ii. Encourage the location and collocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional antenna-supporting structures;
- iii. Encourage coordination between suppliers of wireless communication services in Brunswick County;
- iv. Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent

personal wireless service or to prohibit or have the effect of prohibiting personal wireless service in the County;

- v. Protect the unique natural beauty and rural character of the County while meeting the needs of its citizens to enjoy the benefits of wireless communications services; and
- vi. Encourage the use of public lands, buildings and structures as locations for wireless telecommunications infrastructure as a method to establish a precedence of quality concealment products that will minimize the aesthetic impact of related infrastructure while generating revenue for the County.

2. Exemptions

The following are exempt from this WTF section:

- i. Satellite dishes (see Section 7.4.5)
- ii. Regular maintenance and/or upgrade of antenna elements of any existing wireless communications facility that does not include the addition of any new antenna elements, feed lines, and associated support equipment on the facility or the placement of any new wireless communications facility.
- iii. A government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the County; except that such facility must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this division section beyond the duration of the state of emergency.
- iv. Antenna supporting structures, antennae and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission (see Section 7.3.4.K).

3. Standards

WTFs and associated equipment shall be permitted in accordance with the use table in Section 7.2 subject to the following:

i. Nonconforming Towers

All non-conforming WTFs existing as of the effective date of this Ordinance may be replaced if damaged by natural causes by a new WTF required to adhere to current wind guidelines and follow an aesthetic plan to make the site more pleasing to the eye

ii. Siting

- (a) Siting of a WTF shall be in accordance with the following siting alternatives hierarchy:

Preference	Siting
1	Attached to an existing WTF.
2	Attached to a Utility Infrastructure (such as an overhead power transmission line)
3	Attached as a Stealth WTF to an existing building or structure in a non-residential zoning district.
4	Attached to an existing building or structure in a nonresidential zoning district.
5	Located as a freestanding Stealth WTF in a nonresidential zoning district.
6	Located as a Monopole in a nonresidential zoning district.
7	Located as a freestanding-guyed WTF in a nonresidential zoning district
8	Attached as a Stealth WTF to an existing nonresidential building or structure in a residential zoning district.

	9	Attached to an existing nonresidential building or structure in a residential zoning district.
	10	Located as a freestanding Stealth WTF on a lot of a nonresidential use within a residential zoning district.
	11	Located as a Monopole on a lot of a nonresidential use within a residential zoning district.
	12	Located as a freestanding-guyed WTF on a lot of a nonresidential use within a residential zoning district.

- (b) In determining the order of ranking preference, the facility/structure type shall be evaluated first, and only after the facility/structure type has been identified shall the location be evaluated. Where a lower ranked alternative is proposed, the applicant must file relevant information as indicated in paragraph 4 below, including, but not limited to an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the Geographic Search Area, as determined by a qualified radio frequency engineer, higher ranked options are not technically feasible, practical, or justified given the location of the proposed WTF and the existing land uses of the subject property and surrounding properties within 300 feet of the subject property.
- (c) The WTF and all supporting cables and anchors shall be contained within one parcel.
- (d) When located in an R-7500, R-6000, or MR-3200 zoning district, new WTFs may only be permitted on parcels with a minimum lot size of five acres.

iii. Dimensions

WTFs shall conform to the following dimensional requirements:

(a) Height

- (1) **Attached WTF:** The top of the WTF may not be more than 30 feet above the building or structure to which it is attached.
- (2) **Freestanding WTF Measurement:** This measure shall include the foundation of the WTF, but exclude lightning rods for the dissipation of lightning or lights required by the FAA that do not provide support for any antennae.
- (3) **Freestanding WTF in Residential Districts:** In the RR District the maximum height shall be 250 feet. In the R-7500 District, the maximum height shall be 200 feet.
- (4) **Freestanding WTF in Nonresidential Districts:** In the C-N District, the maximum height shall be 150 feet. In the AG District and all other nonresidential districts the maximum height shall be 250 feet. However, increases in height of up to 20% may be allowed by Board of Adjustment as part of the special exception permit approval with a certification by a registered engineer that the setbacks provide adequate fall area in case of a tower collapse.
- (5) **Mitigation of an existing WTF** (see paragraph 6 "Mitigation" on page 7-20) The maximum height of a new WTF arising from mitigation shall not exceed 125% of the height of the tallest WTF that is being mitigated.

(b) Setbacks

- (1) **Attached WTF:** The building or structure to which the WTF will be attached shall maintain the normal setbacks of the district.
- (2) **Freestanding Concealed WTF:** In the AG and C-N districts, all residential districts, and the CDS overlay districts, setbacks shall be determined according to the underlying zoning district, plus an additional six inches for everyone one-

foot of tower height. In all other districts, setbacks for WTFs shall be determined according to the underlying zoning district.

- (3) **Freestanding Nonconcealed WTF:** Setbacks for WTFs shall be determined according to the underlying zoning district, plus an additional four inches of setback (on each side) for every one-foot of tower height. The Board of Adjustment may approve reductions to this setback requirement as a part of the special exception permit approval with a certification by a registered engineer that the resulting setbacks provide adequate fall area in case of a tower collapse.
- (4) **Mitigation of an existing WTF:** A new WTF approved as mitigation shall not be required to meet setback requirements so long as the new WTF is no closer to any property lines or dwelling units as the WTF being mitigated.

(c) **Buffers**

- (1) A landscaped buffer shall surround the base of the WTF equipment compound. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Planning Director. Grading shall be minimized and limited only to the area necessary for the new WTF.
- (2) If the proposed WTF is the principal use of the property then landscaping per Section 9.2.9, Landscaping and Buffering, shall apply. Additionally, when a freestanding nonconcealed WTF is located in a residential district or a CDS overlay, a buffer with opacity 0.8 (80%) shall be provided around the WTF equipment compound.
- (3) If the proposed WTF is to be located in front of an existing structure on the same lot, a street buffer (see Section 9.2.8) shall also be required.

iv. **Aesthetics**

- (a) Stealth attached WTFs, including feed lines and antennae, shall be designed so as to be compatible with the façade, roof, wall or structure on which it is affixing so that it matches the existing structural design, color and texture.
- (b) Freestanding WTFs shall be designed so as to be compatible with adjacent structures and landscapes to the extent feasible with specific design considerations as to height, scale, color and texture.
- (c) Commercial messages may not be displayed on any WTF.

4. **Application Requirements**

In addition to all of the requirements of Section 3.6, Site Plan Review, and Section 3.9, Special Exception Permit (if required), the following information must be supplied with the site plan and special exception permit (if required) application for WTFs:

- i. Identification of the intended user(s) of the WTF.
- ii. A report of diligent efforts to locate based on the hierarchy established elsewhere in this Section.
- iii. Certification by a registered engineer that, in the event of a collapse, the proposed WTF facility has been engineered to fall in a radius of less than the provided setback.
- iv. Certification by a registered engineer or other qualified professional regarding service gaps or service expansions that are addressed by the proposed WTF ("the proposed service"), and accompanying maps and calculations.
- v. (In the case of a new WTF) Evidence that no existing WTF can accommodate the applicant's proposed antenna(e); or that use of such existing WTFs would prohibit personal wireless services in the area of the County to be served by the proposed WTF structure. Evidence may consist of any of the following:

- (a) No existing wireless communications facilities located within the Geographic Search Area meet the applicant's engineering requirements.
 - (b) Existing wireless communications facilities are not of sufficient height to meet the applicant's engineering requirements, and cannot be increased in height.
 - (c) Existing wireless communications facilities do not have sufficient structural strength to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be structurally improved at a reasonable cost.
 - (d) Other limiting factors that render existing wireless communications facilities unsuitable.
- vi. A report regarding the adequacy of alternative existing facilities or the mitigation of existing facilities to meet the applicant's need or the needs of the service providers desiring to locate on the proposed WTF, if the applicant is not a service provider, and the reasons these existing facilities cannot be used. Alternative existing facilities include all potentially useable utility distribution towers and other elevated structures within the proposed service area that would provide additional service to the users of the WTF. Documentation included in the report may include such things as calculations regarding coverage capability of supporting necessary equipment, or other relevant data; lease negotiations; or other information. Technical data included in such documentation shall be certified by a registered engineer or other qualified professional. The report shall include, in narrative form, the feasibility of any alternatives the applicant may have considered and their impact on adjacent properties, including, but not limited to:
- (a) Height;
 - (b) Configuration;
 - (c) Location;
 - (d) Mass and scale;
 - (e) Materials and color;
 - (f) Illumination; and
 - (g) Information addressing the following items:
 - (1) The extent of any commercial development within the Geographic Search Area of the proposed facility;
 - (2) The proximity of the antenna support structure to any residential dwellings;
 - (3) The proximity of the antenna support structure to any public buildings or facilities; and
 - (4) The existence of tall and like antenna support structures within the Geographic Search Area of the proposed structure.
 - (h) Certification by a registered engineer that the WTF has sufficient structural integrity to accommodate multiple users, and the number of additional users that can be accommodated on the proposed WTF.
- vii. Certification that the facility meets or exceeds applicable American National Standards Institute (ANSI) standards as adopted by the FCC in order to protect the public from unnecessary exposure to electromagnetic radiation
- viii. A statement that the proposed facility is the Least Visually Obtrusive, as defined herein, and that the proposed facility conforms with State of the Art, as defined herein, or alternatively, that State of the Art technology is unsuitable for the proposed facility. Costs of State of the Art technology that exceed customary facility development costs shall not be presumed to render the technology unsuitable.

5. Third Party Review

Where due to the complexity of the methodology or analysis required to review an application for a wireless communication facility, the Planning Director may require the applicant to pay for a technical review by a third party expert, the costs of which shall be in addition to other applicable fees. Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.

6. Mitigation

The intent of WTF mitigation is to reduce the number of WTFs (especially nonconforming facilities) and replace existing WTFs with new facilities to improve network functionality and increase overall compliance with this Section. To qualify as WTF mitigation, a proposal shall accomplish a minimum of one of the following:

- i. Reduce the number of overall WTFs;
- ii. Reduce the number of nonconforming WTF types; or,
- iii. Replace an existing WTF with a new WTF resulting in compliance with this section.

7. Approval Authority

- i. The Planning Director shall be responsible for the approval of Stealth attached WTFs, and collocation or combining on existing antenna supporting structures, except those located within 300 feet of a designated State of North Carolina Scenic Byway.
- ii. The Board of Adjustment shall be responsible for all other WTF approvals, subject to a Special Exception Permit pursuant to Section 3.9.
- iii. In addition to the requirements for Special Exception Permits found in Section 3.9, the Board of Adjustment, in determining whether a WTF is in harmony with the area, or the effects and general compatibility of a WTF with adjacent properties (as specified in Section 3.9) may consider the aesthetic effects of the WTF as well as mitigating factors concerning aesthetics. The Board of Adjustment may disapprove an application on the grounds that the WTFs aesthetic effects are unacceptable, or may condition approval on changes in WTF height, design, style, buffers, or other features of the WTF or its surrounding area. Such changes need not result in performance identical to that of the original application. Factors relevant to aesthetic effects are: the protection of the view in sensitive or particularly scenic areas and areas specially designated in adopted plans such as unique natural features, scenic roadways and historic sites, the concentration of WTFs in the proposed area, and whether the height, design, placement or other characteristics of the proposed WTF could be modified to have a less intrusive visual impact.

Editor's note: Consider having a time limit for BOCC review and approval, after which it is automatically approved (or denied)?

8. Construction and Operation

- i. WTFs shall be constructed and maintained in conformance with all applicable building code requirements.
- ii. WTFs may not interfere with normal radio and television reception in the vicinity.
- iii. Lighting may not exceed the FAA minimum standard. Lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements.
- iv. The WTF equipment compound may not be used for the storage of any excess equipment or hazardous materials, nor be used as habitable space. No outdoor storage yards shall be allowed in a WTF equipment compound.

9. Interference with Public Safety Communications

- i. In order to facilitate the County's regulation, placement, and construction of WTFs and their interaction with the County's Public Safety and Emergency Services Communications Equipment, all applicants requesting a permit for a WTF under this section shall agree in a written statement, to the following:
 - (a) Compliance with Good Engineering Practices as defined by the FCC in its Rules and Regulations;
 - (b) Compliance with FCC regulations regarding susceptibility to radio frequency interference (RFI), frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to RFI; and
 - (c) In the case of co-location of telecommunications facilities, the applicant, together with the owner of the site, shall provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause RFI with the County's Public Safety and Emergency Services Communications Equipment.
- ii. When a specific base station is identified as causing RFI with the County's Public Safety and Emergency Services Communications Equipment, the following steps shall be taken:
 - (a) Upon notification by the County of interference with Public Safety and Emergency Services Communications equipment, the owners of the WTF equipment shall utilize the hierarchy and procedures set forth in the FCC's Wireless Telecommunications Bureau's Best Practices Guide. If the WTF owner fails to cooperate with the County in applying the procedures set forth in the Best Practices Guide in order to eliminate the interference, then the County may take steps to contact the FCC to eliminate the interference.
 - (b) If there is a determination of RFI with the County's Public Safety and Emergency Services Communications Equipment, the party which caused the interference shall be responsible for reimbursing the County for all costs associated with ascertaining and resolving the interference, including, but not limited to, any engineering studies obtained by the County to determine the source of the interference.

7.3.5. Commercial Uses**A. Adult & Sexually Oriented Businesses**

Adult and sexually oriented businesses shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. Authority

The provisions of these regulations are adopted by the Brunswick County Board of Commissioners under authority granted by the General Assembly of the State of North Carolina, in Ordinance 153A, Article 18 of the General Statutes. From and after the effective date and hereof, these regulations shall apply to every building, lot, tract, or parcel of land within Brunswick County.

2. Intent

It is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. For the purpose of promoting the health, safety, morals and general welfare of the citizenry of Brunswick

County, this article is adopted by the Board of Commissioners to regulate adult and sexually oriented businesses, as hereby defined, located in the jurisdiction of the county. Further the regulations of this article have been made with reasonable consideration, among other things, as to the character of the county and its areas and their peculiar suitability for these businesses.

3. Abrogation

These regulations shall not repeal, impair, abrogate or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules, definitions, regulations previously adopted pursuant to law in any established zoning district in Brunswick County. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.

4. Application of Regulations

Adult and sexually oriented businesses shall be regulated as to location in the following manner in addition to any other requirements of this code:

- i. No adult or sexually oriented business shall be permitted in any building located within 1,500 feet, measured in any direction, from:
 - (a) A building used as a dwelling.
 - (b) A building in which an adult business or a sexually oriented business is located.
 - (c) A building used as a church, synagogue, other house of worship or cemeteries.
 - (d) A building used as a public school or as a state licensed day care center.
 - (e) Any lot or parcel on which a public playground, public swimming pool, or public park is located.
 - (f) Any publicly owned or operated facility.
- ii. No more than one adult or sexually oriented business establishment shall be located in the same building or structure or on the same lot.
- iii. All minimum lot requirements of the I-G Zoning District shall be met.
- iv. Except for signs as permitted in Article 12, promotional displays and presentations shall not be visible to the public from sidewalks, walkways or streets.

5. Nonconforming Adult Business and Sexually Oriented Businesses

Any adult business or sexually oriented business lawfully operating as of the effective date of this Ordinance that is in violation of any provision of this Ordinance shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two years. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of 180 days or more it may not be reestablished. If two or more adult businesses or sexually oriented adult businesses are within 1,500 feet of one another and otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and the later established business(es) shall be considered nonconforming. An adult business or sexually oriented adult business lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a dwelling, church, house of worship, day care center, school, playground, public swimming pool or public park.

B. Campground

Campgrounds shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

B. Campground

1. Nude Campgrounds

In addition to the standards contained in this Section, nude campgrounds shall comply with the standards found in 7.3.5.M, Nude Campgrounds, Colonies, or Resorts.

2. Design Standards

- i. A campground shall require minimum gross land area of three acres.
- ii. A minimum of 8% of the total land area shall be devoted to accessible common open spaces intended for recreational use. These open spaces are separate from individual campsites, and shall be grouped and of character suitable for active and passive recreation and shall be reasonably located for safe and convenient access to residents.
- iii. A buffer strip at least ten feet in width shall be maintained along the perimeter of all campgrounds. This strip shall be free of all encroachment by campsites, buildings or structures, parking areas or impervious coverage.
- iv. A campground shall contain at least 15 campsites.
- v. All campsites shall be located on land with elevations that are not susceptible to flooding. Campsites shall be graded to prevent any water from ponding or accumulating within the park. Each campsites shall be properly graded to obtain a reasonably flat area and to provide adequate drainage away from the space. This requirement is not intended to circumvent FEMA regulations or the county Flood Management Ordinance.
- vi. Each campsite shall be located at least 30 feet from the edge of any publicly-maintained street or road.
- vii. Campgrounds shall be designed to prevent overcrowding, fire hazards, and to provide sufficient light and air. In no case shall an individual campsite shall be no less than 1,250 square feet in area or have a minimum average width of less than 25 feet.
- viii. No campsite shall have direct vehicular access to a public road.
- ix. Each campsite shall be identified by a permanent number which may not be changed. The appropriate number of each campsite must be permanent and visibly displayed on each space. Each number shall be placed on a concrete, wood, metal, or any permanent post and conspicuously located on the campsite.
- x. Pursuant to N.C. State Building Code, each campground shall have at least one service structure to provide necessary sanitation and laundry facilities. This structure may also contain a retail sales counter and/or coin operated machine for the campground residents use, provided there is no exterior advertising. Vending machines also may be permitted in a sheltered area provided there is no exterior advertising on the structure. All service structures shall be maintained in a clean and sanitary condition and kept in good repair at all times. Structures shall be safely and adequately illuminated. Facilities shall e easily accessible and conveniently located to all users of the campground. All service structures shall be accessible to the Brunswick County Health Services and shall be in conformity with all County codes. All structures shall be constructed in accordance with the N.C. State Building Code, and shall meet N.C. State Building Code setback requirements.
- xi. In addition to the prohibition on advertising on vending structures, the sign regulations for the base zoning district in which the campground is located shall apply.

3. Parking and Streets

- i. Parking shall be provided in compliance with 8.1, Off Street Parking and Loading. Parking within the campground shall take place off an internal street within designated parking areas only.

- ii. No campsite within a campground may directly access a public road. Access to all campsites and accessory structures within the campground shall be made using internal streets.

iii. Internal Street Standards

- (a) One or two-way streets shall be used throughout the campground. Such streets shall be well-maintained and clearly identified. All streets within the campground shall be privately owned and maintained. Each campsite shall abut an internal street within the campground.
- (b) Streets shall have a minimum width of 20 feet.
- (c) Any dead-end shall be provided with a permanent turnaround with a minimum radius of 40 feet.
- (d) All internal streets within the campground shall be paved and equipped with adequate and suitable drainage facilities.
- (e) Maintenance of all internal streets and drainage facilities shall be the responsibility of the owner of the campground. Such streets shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water and associated problems which would impede or cause hazards to motor vehicles. Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the bump must be placed along the street.

iv. External Access

- (a) In general, campgrounds should not be located on through lots. When located on a through lot, the campground shall be designed to discourage through-traffic.
- (b) Campgrounds with only one point of external access shall provide at least one permanent turnaround within the campground. All external access must be approved by the North Carolina Department of Transportation.

4. Utilities

i. Water

- (a) An accessible, adequate, safe and potable supply of water shall be required. Where public, municipal, or community water systems exist within 1,000 feet of the park, the developer shall connect to such system (the Sewer Use Ordinance may require connection even when separated by greater distances).
- (b) When a public water supply is not available, a community water supply may be developed and its supply used exclusively in accordance with local and state regulations and standards of the Division of Environmental Management, NC Department of Environment, Health, and Natural Resources codified in 15A NCAC 2C. Each water supply well shall be located so as to maintain a minimum pollution-free radius as specified in N.C.G.S. 15A-18C-0203. Siting of well locations should be discussed with the local health authority.
- (c) Internal water distribution systems shall be installed in accordance with minimum County Standards.

ii. Sewer

- (a) Approval by the Brunswick County Health Services shall be required for any installation, alteration or use of a sewage disposal system. All sewage wastes from each park, including wastes from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water using appliances not herein mentioned, shall be disposed of by an approved sewage disposal system.

- (b) Adequate and safe sewage disposal facilities shall be provided in all campgrounds. Where public, municipal, or community sewer systems exist within 1,000 feet of the campground, the developer shall connect to such system (the Sewer Use Ordinance may require connection even when separated by greater distances).
- (c) When a public, municipal, or community system does not exist within 1,000 feet, a centralized sewage disposal and treatment system complying with the requirements of the North Carolina Department of Environment, Health and Natural Resources shall be provided. Individual septic tank systems may be allowed in accordance with the requirement of the State Health Sewage Disposal Regulations.
- (d) Each campground shall provide at least one sewage dumping station for each 100 campsites which are not equipped with individual sewer and water connections. Sewage dumping stations shall be approved by the Brunswick County Health Services. Each campground shall also provide one sewer outlet to accommodate any dependent campers for emptying containers of human waste to a central holding tank.

5. Campground Operation

i. General

- (a) The person to whom an operating permit for a campground is issued shall operate the campground in compliance with this Ordinance and shall provide adequate supervision to maintain the campground, its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) The campground owner shall notify campground visitors of all applicable provisions of this Ordinance and inform them of their responsibilities under this Ordinance.
- (c) The campground owner shall be responsible for refuse collection. Storage, collection, and disposal of refuse shall be so managed as not to create health hazards, rodent harborage, insect-breeding areas, accident, fire hazards, or air pollution. The method of garbage disposal shall be noted on the plan and approved by the Brunswick County Planning Board.
- (d) Swimming pools or bathing areas shall be installed, altered, improved, and used in compliance with applicable County and State Health Services regulations. Any bathing area shall require the approval of the Brunswick County Health Services.
- (e) Except as specifically permitted by this paragraph, it shall be unlawful to locate a manufactured home in a campground. Two manufactured homes shall be permitted to be located within a campground to be used as residences of persons responsible for the operation and/or maintenance of the campground.
- (f) No more than one camper may be parked on any one campsite. Campers shall not be permitted on parcels, lots, or spaces other than those approved through these regulations.
- (g) The transfer of title of campsites, either by sale or by any other manner shall be prohibited within a campground as long as the campground is in operation.
- (h) All campers must be placed individually on approved campsites where all design standards and utilities have been completed.
- (i) Junked or wrecked vehicles shall be prohibited in a campground.

ii. Inspection

The Brunswick County Health Services, the Brunswick County Building Inspections Department and the Planning Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance. It shall be the duty of the owners of campgrounds to give these agencies free

access to such premises at reasonable times for inspections.

C. Car Wash

Car washes shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. No storage, repair, or sales of vehicles shall be allowed on the site.
2. Provisions shall be made for an on-site drainage system to capture water used to wash vehicles; or provide connections to an approved sanitary sewer system.
3. Vehicle stacking shall be provided as required by Section 8.1.8, Vehicle Stacking Areas.

D. Clinics and Laboratories

Clinics and laboratories shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

District	Minimum Lot Width (ft.)	Minimum Lot Area (s.f.)		Yard (ft.)		
		Yes	No	Front	Rear	Side
Water and Sewer						
C-LD, C-N	75	None	10,000	Per District		

E. Commercial Parking Facilities

Commercial parking facilities shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. The facility shall be landscaped in conformance with the vehicular use area landscaping (Section 8.1.10) in addition to the landscaping and buffering standards in Article 9.
2. No storage, repair, or sales of vehicles shall be allowed on the site.
3. Driveways shall be designed with sufficient depth (20 feet minimum) to prevent vehicles from backing up into the street when entering.
4. Adequate lighting shall be provided in conformance with Section 8.5, Outdoor Lighting.
5. Additional standards may apply to parking facilities located in a CDS Overlay (see Section 6.11.6).

F. Commercial Recreational Facilities and Uses

Commercial recreational facilities and uses shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

District	Minimum Lot Width (ft.)	Minimum Lot Area (s.f.)		Yard (ft.)		
		Yes	No	Front	Rear	Side
Water and Sewer?						
C-LD, C-N	75	None	10,000	Per District		

1. All food sales shall be for customers of the recreational facility. Off-site sale of food shall not be permitted.

G. Drive-Through Facilities

Drive-through facilities shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. The primary presence along the major street frontage should be the building, not the menu board, drive-through aisle, or parking lot.

2. Where no street separates the use and a residentially zoned property, at least 40 feet of separation shall be maintained between the residential lot line and the drive-through facility
3. The location of drive-through windows and associated facilities (for example: communications systems and access aisles) shall be identified on all site plans. Drive through menu signs shall be identified on all site plans.
4. Any speaker systems associated with a drive-through facility shall be designed and located so as not to adversely affect adjacent uses.
5. Drive-through alleys between the right-of-way of a roadway and a building shall require a parking buffer pursuant to Section 8.1.10 if the drive-through alley is within 50 feet of, and visible from, the roadway. Such buffer shall be installed and maintained along the entire length of the drive-through alley and the adjacent roadway.
6. Vehicle stacking areas shall be provided in accordance with Section 8.1.8, Vehicle Stacking Areas.

H. Golf Course

Golf courses shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. Instructional facilities such as golf training shall be allowed
2. Retail pro shops, restaurants, conference centers and other uses shall be considered a separate principal use and may be allowed to operate in conjunction with the facility where permitted in the use table (see Section 7.2), subject to any restrictions on those uses.

I. Hotels, Motels

Hotels and motels shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

District	Minimum Lot Width (ft.)	Minimum Lot Area (s.f.)		Yard (ft.)		
		Yes	No	Front	Rear	Side
C-N	75	None	10,000	Per District		

1. The parcel shall be directly accessible to a major or minor thoroughfare.
2. All hotel and motel buildings and vehicular use areas shall be located at least 50 feet from any property line adjoining a residential district or use.
3. Any accessory commercial activities such as restaurants shall not be located along the side of the property adjacent to a residential district or use.
4. Any outdoor recreation facilities, such as swimming pools, shall not be located along the side of the property adjacent to a residential district or use. If the outdoor recreation facility is a swimming pool, it shall meet the standards of Section 7.4.6, Swimming Pools, with regard to fencing.
5. A permit to sell alcohol shall be required for all alcohol sales operations associated with a hotel, motel, or other overnight accommodation.

J. Manufactured and Modular Home Sales Lots

Manufactured and modular home sales lots shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. If a Special Exception permit is required, on site sales office must be in operation within 180 days of the date of the Special Exception or the Special Exception becomes null and void.
2. Storage and repair area(s) shall be screened from view. Replacement or discarded parts and accessories shall also be screened from view.
3. Shall conform to sign regulations of the zoning district in which the use is located. In addition, each display home may have an informational sign not to exceed 3 square feet in area, directly adjacent to the home, which gives information about the home.
4. Display homes shall maintain a minimum separation of at least 10 feet between each home. Display homes shall be leveled and blocked.
5. Display homes, which are visible from the street right-of-way, shall be provided with some type of material and/or landscaping around the base which will prevent open views underneath the display home. Access to the display homes shall be through a stairway or other means that has a permanent appearance.
6. The property owner is responsible for the removal of any vestige upon cessation of the business, including signage. Per GS 153A-140, should the property owner decline removal, such situations may be declared a "public nuisance".

K. Mortuaries, Funeral Homes, and Crematoriums

Mortuaries shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. When located in the RR, C-LD, or C-N districts, the facility shall have a minimum lot width of 150 feet and minimum lot area of 15,000 square feet when water and sewer service is not provided. If water and sewer is available, the district minimum lot area requirements shall apply.
2. In all other districts where the facility is permitted, the base lot width and lot area requirements shall apply.

L. Nightclub, Tavern, or Bar

Nightclubs, taverns, or bars shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. The applicant shall demonstrate that no existing place of worship is located within 250 feet of the proposed nightclub or similar establishment. Measurements shall be made from the property line of the proposed establishment and from the property line of any separate parking lots to be used by the nightclub or similar establishment along the shortest straight line that may be drawn on a map.
2. No outside storage shall be allowed on the site.

M. Nude campgrounds, colonies, resorts or similar facilities, with the following minimum requirements:

Nude campgrounds, colonies, resorts, or similar facilities shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. The standards of Section 7.3.5.B, Campgrounds shall apply to all campgrounds.
2. Must meet all applicable county and state regulations including but not limited to, Campground, Manufactured Home Park and PUD ordinances.
3. Must operate as private organization with no access by the general public. Only members or guests members may be permitted on site.

N. Outdoor Sales or Display Areas, other than Manufactured and Modular Home Sales Lots, and Vehicle and Heavy Equipment Sales and Rentals

7.3 Limited Use Standards

4. Must provide visual and noise screening and/or buffering to completely obscure view of colonists and internal activities from adjoining properties and any external streets.
5. No part of any facility or structure shall be:
 - i. Located within 1,500 feet, measured in any direction, from a building used as a dwelling.
 - ii. Located within 1,500 feet, measured in any direction, from a building in which an adult business or a sexually oriented business is located.
 - iii. Located within 1,500 feet, measured in any direction, from a building used as a church, synagogue, other house of worship or cemeteries.
 - iv. Located within 1,500 feet, measured in any direction, from a building used as a public school or as a state licensed day care center.
 - v. Located within 1,500 feet, measured in any direction, from any lot or parcel on which a public playground, public swimming pool, or public park is located.

N. Outdoor Sales or Display Areas, other than Manufactured and Modular Home Sales Lots, and Vehicle and Heavy Equipment Sales and Rentals

Outdoor sales or display areas shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. The outdoor display area shall be located on the same property as the primary sales or rental area and shall be shown on an approved site plan.
2. A landscaped buffer not less than 25 feet in width shall be established along any side of the property where a permanent outdoor sales or display area abuts or is across the street from a residential use.
3. A 100 percent opaque eight-foot high visual barrier or screen shall be provided along any side of the property where a permanent outdoor sales or display area abuts or is across the street from a residential use.
4. The merchandise shall not be located in any required yard or buffer area.
5. Permanent sales or display areas shall not block sidewalks or parking areas, and may not impede vehicular or pedestrian traffic.
6. Permanent outdoor sales or display areas may not be located in any required parking spaces.

O. Personal Service Establishments

Personal service establishments shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

District	Minimum Lot Width (ft.)		Minimum Lot Area (s.f.)		Yard (ft.)		
	Yes	No	Yes	No	Front	Rear	Side
C-LD	Per	75	Per	10,000	Per District		
C-N	District	50	District	7,500			

P. Private Club or Lodge (Private Nonprofit, Civic or Fraternal)

Private clubs or lodges shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

Article 7 Permitted Uses**7.3 Limited Use Standards Q. Repair, Remodeling, And Renovation Of Farm Equipment, Whether For Profit Or As A Hobby:**

District	Minimum Lot Width (ft.)	Minimum Lot Area	Yard (ft.)		
			Front	Rear	Side
R-7500, R-6000	Per base district	10 ac.	50	50	50
C-LD	150	15,000 s.f.	Per District		

Q. Repair, Remodeling, And Renovation Of Farm Equipment, Whether For Profit Or As A Hobby:

Repair, remodeling, and renovation of farm equipment shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

- Any such activity shall be kept at least 100 feet away from any property line which abuts the R-7500 or R-6000 Zoning Districts.

R. Restaurants

Restaurants shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

- When located in the C-N District, a minimum lot width of 75 feet is required. Additionally, a minimum lot area of 10,000 square feet is required if the facility is not connected to public water and sewer. If connected to public water and sewer, the minimum lot area requirements of the base district apply.
- In all other districts where restaurants are permitted, the minimum lot width and area requirements of the base district shall apply.
- Drive through facilities shall be permitted separately as a principal use in accordance with the use table in Section 7.1 and the standards found in Section 7.3.5.G.

S. Retail Stores, Sales, and Display Rooms and Shops

Retail stores, sales, and display rooms and shops shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

- All individual uses with an enclosed floor area in excess of 60,000 square feet shall comply with Section 8.1.10, Large Scale Commercial.
- Retail sales development projects with an aggregate enclosed floor area in excess of 200,000 square feet shall be required to comply with Section 8.1.10, Large Scale Commercial.
- Permanent outdoor storage and display shall be permitted subject to the use table and the standards found in Section 8.6, Outdoor Display and Storage. Temporary outdoor display may be permitted subject to the standards found in 7.5.3.C.
- When vehicle service facilities are included as an accessory use to a primary retail use, such accessory service facilities should be located to the side or rear of the primary use. To the maximum extent possible, the accessory service facility should not be visible from the roadway.

Commentary: For example, if an auto center is associated with a larger retail store, the auto center shall be located to the side or rear of the larger store.

- Additional dimensional standards shall apply in certain zoning districts as follows:

District	Minimum Lot Width (ft.)	Minimum Lot Area (s.f.)		Yard (ft.)		
		Yes	No	Front	Rear	Side
With Water and Sewer?						

T. Self-Storage/Mini-Storage**7.3 Limited Use Standards**

C-N	75	None	10,000	Per District
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6. Drive through facilities shall be permitted separately as a principal use in accordance with the use table in Section 7.1 and the standards found in Section 7.3.5.G.

T. Self-Storage/Mini-Storage

1. Vehicle sales, leasing, and rental shall be permitted separately as a principal use in accordance with the use table in Section 7.2 and the standards found in Section 7.3.5.U.
2. All storage shall be contained within a fully-enclosed building. However, outdoor storage of boats, travel trailers, recreational vehicles, and other noncommercial occasional use vehicles may be permitted in conformance with Section 8.6, Outdoor Display and Storage, when located in a designated area. Said area shall be identified on all site plans.
3. A landscaped buffer not less than 25 feet in width shall be established along any side of the property where the self-storage facility abuts or is across the street from a residential use.
4. A 100 percent opaque barrier or screen between six and eight feet in height shall be provided around the perimeter of the property. Where the barrier of the self-storage facility is visible from a public right-of-way, the barrier shall be buffered by a hedge that has a mature height of at least four feet.
5. Adequate lighting shall be provided in conformance with Section 8.5, Outdoor Lighting.
6. The following activities shall be prohibited on the premises:
 - i. Commercial, wholesale or retail sales, flea markets or peddling, or miscellaneous or garage sales. However, once a month, the management of the self-storage mini-warehouse complex may conduct a one-day auction or sale of abandoned or stored materials to settle unpaid storage bills in accordance with State of North Carolina regulations.
 - ii. Servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - iii. Operation of a transfer-and-storage business.
 - iv. Operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment except when needed for maintenance of the use.
 - v. Any activity that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 - vi. Storage of hazardous chemicals, flammable liquids, or combustible and explosive materials.
 - vii. Habitation of storage units by humans or animals.

U. Vehicle Sales, Leasing, and Rentals

Vehicle sales, leasing, and rentals shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. Junked or inoperable vehicles/heavy equipment shall not be on the premises unless such is within an enclosed building or screened area.
2. Vehicle or equipment repairs made on-site shall be subject to the same restrictions under Section 7.3.5.V, Vehicle Service and Garage.
3. Adequate on-site area shall exist for the loading and unloading of vehicles from car carriers to ensure that no such loading or unloading occurs in any public right of way.

4. Vehicle sales, leasing, and rental facilities shall meet the following landscaping standards rather than those of Section 8.1.10, Vehicular Use Area Landscaping:
 - i. Trees shall be planted at the rate of one tree per 75 linear feet, and shrubs at the rate of one shrub per ten linear feet of display area.
 - ii. Plants may be grouped together, provided that at least 250 square feet of contiguous growing area, not encroached upon by impervious surfaces, surrounds each planted tree.
 - iii. Project boundary buffers shall be provided as required by Section 9.2.9. Plantings required in paragraphs i. and ii. above may not be counted towards the project boundary planting requirements.
5. The provisions of Section 8.6, Outdoor Display, shall not apply.
6. Vehicles may not be located in any required yard or buffer area, even for temporary display purposes.
7. Permanent vehicle sales areas may not be located in any required parking spaces.
8. Vehicle sales or display areas may not block sidewalks or parking areas, and may not impede vehicular or pedestrian traffic.
9. Adequate lighting shall be provided in conformance with Section 8.5, Outdoor Lighting.

V. Vehicle Service and Garage

Vehicle service and garages shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. Fuel pumps shall be at least 15 feet from property lines.
2. Any repair, servicing, maintenance or other work on vehicles shall be conducted within an enclosed structure or behind an opaque fence or wall.
3. However, outdoor storage may be permitted in conformance with Section 8.6, Outdoor Display and Storage, when located in a designated area behind a 100% opaque wall or fence. Said area shall be identified on all site plans.
4. Storage of customer vehicles, vehicles with expired tags, unlicensed vehicles, junk vehicles, or any vehicle not used in the conduct of business operations (tow trucks for example) for 15 days or more shall be prohibited.

W. Veterinary Clinics, Animal Hospitals, and Kennels

Veterinary clinics, animal hospitals, and kennels shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. In the AG and RR districts, the use shall be permitted as a limited use subject to the standards in this Section.
2. A 300-foot separation shall be maintained between the outdoor areas where animals are kept and any property line of any adjacent residential use in a residential district.
3. A minimum six-foot high wall shall be installed and maintained between outdoor areas where animals are kept and any property line of an adjacent residential use in a non-residential district.
4. The facility shall be constructed, designed, and located on the site to minimize noise, odor, and other impacts on neighboring properties. Adequate waste disposal shall be required to maintain sanitary conditions and control odor.

5. With the exception of kennels, all facilities shall be licensed by the Animal Health Division of the North Carolina Department of Agriculture and Consumer Services, Article 3, and all other required permits or certificates shall be acquired and maintained.

X. Video Gaming Machines

Video gaming machines shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. Authority

The provisions of these regulations are adopted by the Brunswick County Board of Commissioners under authority granted by the General Assembly of the State of North Carolina, in Ordinance 14, Article 37, §14-306.1(c) of the General Statutes. From and after the effective date and hereof, these regulations shall apply to every building, lot, tract, or parcel of land within Brunswick County.

2. Intent

It is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

3. Application of Regulations

Video gaming machines shall be regulated as to location in the following manner in addition to any other requirements of this code:

- i. No video gaming machine is permitted in any building located within 1,500 feet, measured in any direction, from:
 - (a) A building used as a dwelling;
 - (b) A building in which an adult business or a sexually oriented business is located;
 - (c) A building used as a church, synagogue, other house of worship;
 - (d) A cemetery;
 - (e) A building used as a public school or as a state licensed day care center;
 - (f) A lot or parcel on which a public playground, public swimming pool, or public park is located;
 - (g) A publicly owned or operated facility; or
 - (h) Another building in which a video gaming machine is located.
- ii. No more than three video gaming machines may be located in the same building or structure or on the same lot.
- iii. Video gaming machines may be located only in a I-G Zoning District as an accessory use subject to approval of a Special Exception permit by the Board of Adjustment.

4. Nonconforming Video Gaming Machines:

Any video gaming machine lawfully operating as of the effective date of this Ordinance that is in violation of any provision of this Ordinance shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two years. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If a nonconforming establishment or use is discontinued for a period of 180 days or more it may not be reestablished. If a location or site that has up to three video gaming machines is within 1000 feet of any other location or site that has up to three video gaming

machines and is otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and the later established business(es) shall be considered nonconforming. A video gaming machine lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a dwelling, church, house of worship, day care center, school, playground, public swimming pool or public park.

7.3.6. Office Uses

A. Offices and Studios

Offices and studios shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

District	Minimum Lot Width (ft.)		Minimum Lot Area (s.f.)		Yard (ft.)		
	Yes	No	Yes	No	Front	Rear	Side
Water and Sewer?	Yes	No	Yes	No	Front	Rear	Side
C-LD	Per District	75	Per District	10,000	Per District		
C-N		50		7,500			

B. Banks and Financial Institutions

Banks and financial institutions shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

District	Minimum Lot Width (ft.)		Minimum Lot Area (s.f.)		Yard (ft.)		
	Yes	No	Yes	No	Front	Rear	Side
Water and Sewer?	Yes	No	Yes	No	Front	Rear	Side
C-N	Per District	75	None	10,000	Per District		

1. Drive through facilities shall be permitted separately as a principal use in accordance with the use table in Section 7.1 and the standards found in Section 7.3.5.G.
2. Vehicle stacking areas shall be provided in accordance with Section 8.1.8, Vehicle Stacking Areas.

7.3.7. Industrial Uses

A. Contractor's Office and Storage Operations

Contractor's office and storage operations shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. When located in the AG or RR zoning districts, a buffer with minimum opacity of 0.6 must be provided (see Section 9.2.9).
2. When located in the AG or RR zoning districts, an opaque fence or wall must be provided which completely screens view of the operation from adjacent properties and roadways.

B. Craft and Woodworking Shops and Similar Uses

Craft and woodworking shops and similar uses shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. Outside processing or compounding treatment shall not be permitted.

C. Hazardous Materials Treatment Facility

Hazardous materials treatment facilities shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. The following activities may not be permitted at a hazardous materials treatment facility:
 - i. Manufacture of hazardous materials from component non-hazardous materials;
 - ii. Long term or perpetual storage of hazardous materials; or
2. The facility shall comply with all applicable State and federal regulations.
3. The facility shall be located at least 1,500 feet from any residential property.
4. Maps and engineering drawings shall be provided showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within ¼-mile of the property line.
5. The site shall be enclosed by a fence or wall of between six and eight feet in height of a minimum opacity of 75%. Entrance and exit shall be through a gate which shall be locked during non-business hours.
6. A hazardous materials treatment facility may not be operated as a secondary use.

D. Junkyards

Junkyards and manufactured home salvage and storage shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. General Requirements

- i. One caretaker residence shall be permitted as an accessory use in compliance with Section 7.4.2, Accessory Dwellings.
- ii. Open burning shall be prohibited.
- iii. Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with State and federal laws.
- iv. Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage is prohibited.
- v. Stock piling of tires and batteries shall be prohibited.
- vi. Weeds and vegetation shall be kept at a height not to exceed 12 inches.
- vii. Drainage of junkyards shall be adequate to assure that no standing water shall exist.
- viii. Notarized assurance from both the lot owner(s) and any party(ies) contracted to operate such junkyard shall be provided warranting no materials from such operation will be permitted to seep into the ground, whether it be oils, eroded dissolving base metals.
- ix. Access to any roadway must be paved.
- x. Access shall be provided by paved road to the lot.
- xi. A junkyard shall not be placed within 1,000 linear feet of a major thoroughfare, place of worship, day care, or elementary or secondary education facility.
- xii. Junkyards may not be located within 1,500 feet, measured in any direction, of any publicly owned or operated facility.

2. Fencing:

- i. An opaque fence or wall shall be erected along the entire perimeter of the lot except for one point of ingress and egress, which shall not be over 30 feet in width of opening of the wall, and over which space a gate of solid material shall be provided and closed during

non-operating hours, or the lot be enclosed by fence with similar gate and the view on all sides be screened by natural objects grassed earthen berms, or heavy tree and shrubbery plantings. All business activity, including storage of vehicles or other materials, shall be conducted within the fence. Fencing requirements shall be one of the following:

- (a) Within 50 feet of Right-of-Way. An eight foot solid fence is required for all portions located within 50 feet of the right-of-way boundary; or,
 - (b) All other locations. A six foot high solid fence is required.
- ii. Fences shall not contain advertising or other lettering other than lettering or a sign which identifies the operation carried on within the enclosure.

E. Manufactured Home Salvage and Storage

Manufactured home salvage and storage operations shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. All manufactured home salvage and storage operations shall comply with the requirements for Junkyards found in Section 7.3.7.D, above.

F. Mining Operations, Class I

Class I mining operations shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. Class I Mining Operations may not occupy more than 20 acres.
2. Soil or other unconsolidated material (i.e. sand, marl, rock, fossil deposits, peat, fill or topsoil) may be removed for use off-site. However, no further on-site processing is permitted (i.e. use of conveyor systems; screening machines; crushing; or other mechanical equipment). Mining activities where other on-site processing activities are conducted are considered Class II Mining Operations.
3. Dewatering or the use of explosives is not permitted.
4. Temporary sand and soil mining activities undertaken in conjunction with land development may be considered a Temporary Mining or Borrow Pit subject to compliance with Section 7.5.4

G. Mining Operations, Class II

Class II mining operations shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. The minimum lot size shall be one acre.
2. Soil or other unconsolidated material (i.e. sand, marl, rock, fossil deposits, peat, fill or topsoil) may be removed for use off-site. Additional on-site processing shall be permitted (i.e. use of conveyor systems; screening machines; crushing; or other mechanical equipment).
3. Dewatering or the use of explosives is not permitted.
4. Temporary sand and soil mining activities undertaken in conjunction with land development may be considered a Temporary Mining or Borrow Pit subject to compliance with Section 7.5.4

H. Wood Waste Grinding Operations with the following minimum requirements:

Wood waste grinding operations shall be permitted in accordance with the use tables in Section 7.2, subject to the following:

1. The minimum lot size shall be ten acres.

H. Wood Waste Grinding Operations with the following minimum requirements:

2. The activity (including storage) must be separated from all property lines or right-of-way lines by a minimum 50 feet. A separation of minimum 660 feet is required from any road right-of-way located in a Transportation Overlay Zone.
3. Driveways and internal circulation must be designed so that no queuing of vehicles occurs on public roadways.
4. All traffic areas, including entrances and exits, within the area of operation must be graveled or covered with a similar dust reduction material. Storage areas for mulch, dirt, wood waste or other similar materials need not be graveled.
5. Large permanent, industrial grinders of less than 350 horsepower and curtain burners must be located a minimum of 300 feet from any residential dwelling with the exception of one residential dwelling for use of an on-site manager or watchman. Large permanent grinders of 350 horsepower or more must be located a minimum of 500 feet from any residential dwelling with the exception of one residential dwelling for use of an on-site manager or watchman. All other permanent grinders, screeners, or similar equipment must be located a minimum of 100 feet from any residential dwelling with the exception of one residential dwelling for use of an on-site manager or watchman. The site plan must include a footprint demonstrating where the equipment will be located in relation to dwellings located on adjoining properties.
6. Any permanent grinder, screener, or similar equipment must be set back at least 50 feet from the property lines. Any mulch, dirt, wood waste, or other similar material stored on the property must be located at least 50 feet from any property or road right-of-way lines.
7. No grinders, screeners, loaders, dozers, or other similar equipment shall be operated at the site except between 7:00 a.m. and 9:00 p.m. Monday through Saturday. In the event that a state of emergency has been declared for Brunswick County and/or a natural disaster occurs, the Board of Adjustment may permit extension of the hours of operation for Wood Waste Grinding Operations for a period of time not to exceed 90 days. Natural disasters calling for the necessity of extended Wood Waste Grinding Operation hours may include hurricanes, floods, tornadoes, nor'easters, thunderstorms, severe winter storms, wildfires, earthquakes, and landslides. Natural disasters and/or declared state of emergencies not resulting in the need for the assistance of Wood Waste Grinding Operations shall not prompt an extension in the hours of operation for Wood Waste Grinding Operations.
8. Buffering and landscaping requirements shall be in accordance with Article 9, Buffering and Landscaping Requirements for Berms and for Yards in which Buffers are required.
9. The grinding operation must comply with any applicable regulations enforced by the North Carolina Department of Environment and Natural Resources.

7.4 ACCESSORY STRUCTURES AND USES

Accessory uses shall be permitted as a subordinate use to the primary use existing on the site. Certain accessory uses shall be subject to the additional standards described in this Section. Accessory uses shall be operated in a way that presents no nuisance to the surrounding properties or larger community.

7.4.1. Accessory Structures

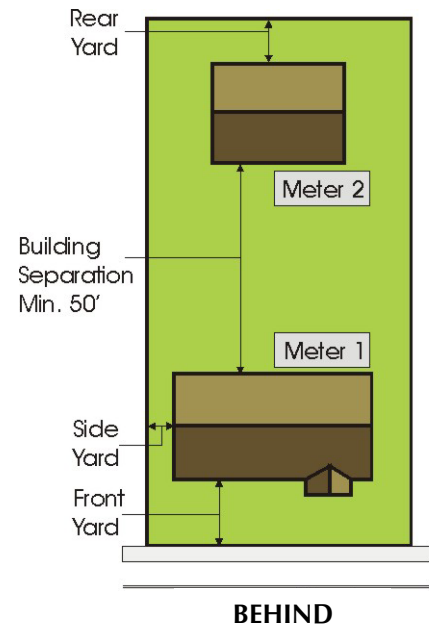
All accessory buildings and structures, including accessory dwellings (see below) shall be subject to the following additional requirements:

- A. An accessory building or structure shall be clearly subordinate to the primary structure in all dimensional aspects.
- B. In all residential districts except AG and RR, the building or structure shall not be located between the front wall of the primary structure and the street.

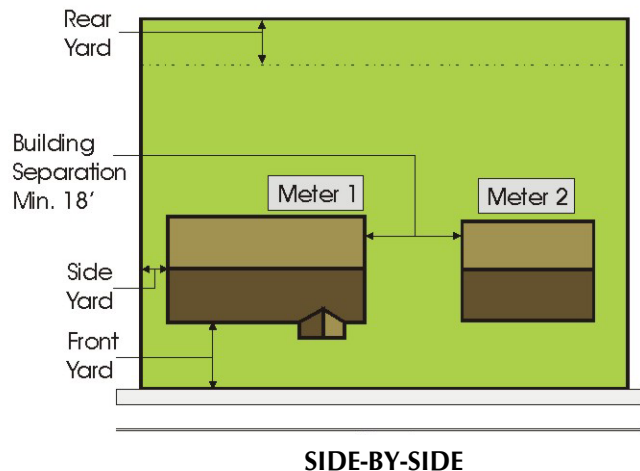
Article 7 Permitted Uses

7.4 Accessory Structures and UsesH. Wood Waste Grinding Operations with the following minimum requirements:

- C. The building or structure may be located in a required side or rear yard. However, a separation of at least five feet shall be required between the building or structure and an adjacent lot line.
- D. In all Residential districts except AG and RR, the height of an accessory building shall not exceed 15 feet when the building is within ten feet of a lot line. In the AG and RR districts, the height of an accessory building shall not exceed 20 feet when the building is within 10 feet of the property line. Accessory buildings or structures may not exceed the height limit for the zoning district.
- E. Generally, buildings or structures accessory to detached single family and two-family dwellings shall provide water, sanitary sewer, and/or any other utilities by branching service from the principal building. However, the Planning Director may waive this requirement for one accessory structure when the applicant demonstrates that the following criteria will be met (see diagram):



1. No structure may be located in a required yard (except those allowed as permitted obstructions, Section 6.6.9.E).
2. When the subject accessory structure is located behind the principal structure (as viewed from the fronting roadway), a minimum separation of 50 feet shall be maintained between the two structures.
3. When the subject accessory structure is located to either side of the principal structure (as viewed from the fronting roadway), a minimum separation of 18 feet shall be maintained between the two structures.



7.4.2. Accessory Dwellings

When permitted, accessory dwellings shall be subject to the following additional requirements:

- A. The accessory dwelling shall be located within the primary dwelling (e.g. accessory apartment) or shall meet the locational and dimensional requirements for accessory structures (see above).
- B. Only one accessory dwelling may be allowed.
- C. The primary dwelling shall be located on a lot which meets the minimum area requirements of the zoning district.
- D. The property shall retain a single family appearance from the street.
- E. One additional off-street parking space shall be provided.

H. Wood Waste Grinding Operations with the following minimum requirements: 7.4 Accessory Structures and Uses

- F. Use of a travel trailer or recreational vehicle (RV) as an accessory dwelling shall be prohibited within a Residential district or on property devoted to residential use. No RV or travel trailer shall be permanently connected to public or private utilities.

7.4.3. Home Occupations

This activity shall be an accessory use which is clearly incidental and secondary to a residential use of the dwelling unit and shall be subject to the following restrictions:

- A. No display of goods, products or services shall be visible off site. There shall be no external evidence of the activity such as commercial vehicles, window displays, outside storage, smoke, noise, odors or other nuisances emitted from the premises.
- B. Only handmade items, foodstuffs, and crafts made on the premises may be offered directly for sale. No goods, products or commodities bought or secured for the express purpose of resale shall be sold at retail or wholesale on the premises. Catalog and electronic business orders may be received for goods, products or commodities bought or secured for the express purpose of resale at retail and wholesale when the products are received and shipped from the premises to fulfill catalog or electronic business orders.
- C. Traffic and parking associated with the use shall not be detrimental to the neighborhood or create congestion on the street where the home occupation is located. Vehicles used primarily as passenger vehicles shall be permitted in connection with the home occupation. Only one commercially licensed vehicle shall be allowed. This vehicle may not exceed 1-ton capacity.
- D. The home occupation shall occupy an area not to exceed 50% of the gross floor area of the dwelling unit. All activities shall be conducted entirely within the dwelling unit and are not permitted in a detached garage or other accessory structure.
- E. Only one person may be employed in the home occupation who is not a resident of the dwelling.
- F. No infrastructure demands shall be generated by the home occupation in greater volumes that would normally be expected with a residential use.
- G. Instruction in music, dance, and similar subjects shall be limited to no more than two students at a time.
- H. No hazardous materials may be manufactured, stored, processed or disposed of on the premises

7.4.4. Junk Vehicles

Junk vehicles shall be allowed in conformance with the Abandoned and Junked Motor Vehicles Ordinance available from the Planning Department.

7.4.5. Satellite Dishes

Satellite dishes that are less than one meter (39.37 inches) in diameter in Residential districts and less than two meters in diameter in all other zoning districts shall be exempt from the standards of this Ordinance. Satellite dishes exceeding these dimensions shall be subject to the following additional requirements:

- A. The provisions of Section 7.3.4.K, TV/HDTV/FM/AM Antennae or, Section 7.3.4.N, Wireless Communication Facility as applicable.
- B. If attached to a roof or building, a letter certifying the roof's and building's structural stability shall be written and sealed by a licensed engineer, prior to any approval of a roof-mounted satellite earth station. No commercial messages shall be placed on the dish.

7.4.6. Swimming Pools

When allowed, in-ground and above ground swimming pools which have a water depth over 24 inches and have a surface area of at least 100 square feet shall be subject to the following additional requirements:

A. All Pools

1. The pool shall be completely enclosed by an opaque fence at least six feet in height if any portion of the pool or pool decking is within 20 feet of a property line. Pools located more than 20 feet from a property line must be enclosed with an opaque fence that is at least four feet in height. The exterior walls of the residence or buildings may be incorporated as a portion of the fence to create a fully enclosed area around the pool. All fence openings into the pool area shall be equipped with self-closing and self-latching gates.
2. Private swimming pools (as well as the decking and equipment associated with the pool) on single-family, duplex, and triplex lots shall not be located in the front yards and not be closer than five feet to any property line.

B. Outdoor Community Pools, Private Club Pools, or Pools in Multifamily Complexes

1. Outdoor pools including decking shall be located at least 100 feet inside the property lines adjacent to a single family Residential district or use, and at least 50 feet from any property line adjacent to any other district or use.
2. When the pool is adjacent to off-site residences, the playing of music detectable off-site on a public address system is prohibited. Informational announcements shall be permitted. This requirement may be waived if a permit has been issued for a special event.

7.4.7. Vehicle Repair

Up to two vehicles may be repaired simultaneously on a residential property if the vehicles are registered to an occupant of the residence. Vehicle repair and storage may not be conducted in the required front yard. Other than emergency repairs, vehicle repair shall not be permitted within a public right-of-way.

7.5 TEMPORARY USES**7.5.1. General**

Certain uses are temporary in character. They vary in type and degree, as well as length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present questions involving potential incompatibility of the temporary use with existing uses. Unless otherwise specified in this chapter, the following regulations shall govern temporary uses.

7.5.2. Temporary Uses Exempt from Permit

The following permitted temporary uses do not require permits.

- A. Christmas tree sales lots.
- B. Garage or yard sales are permitted only by the property owner on their property and are allowed once every four months at any given location. The sale may not exceed three consecutive days in length. Advertising signs may not be placed on any rights-of-way or off-site locations without the applicable property owners' permission.
- C. Storage containers or pods for off-site storage or transfer of household or other goods located in any required front yard are permitted for a maximum of seven consecutive days.

7.5.3. Temporary Use Permit Required

- A. Temporary uses shall provide adequate off street parking for the intended use.
- B. The following temporary uses are allowed in the frequency stated below except that no property shall have more than four of the events listed in B.1 through B.7 in a calendar year.

EXAMPLE: *A temporary use permit for a carnival would be counted in considering whether to issue a temporary use permit for a subsequent non-profit special event on the same property.*

1. Commercial Circuses, Carnivals or Fairs

Commercial circuses, carnivals or fairs, for not more than two consecutive weeks in any calendar year.

2. Temporary Religious or Revival Activities

Temporary religious or revival activities in tents in association with a place of worship, for not more than two consecutive weeks in any calendar year.

3. Non-Profit Special Events

Special events run by non-profit, charitable organizations occurring no longer than seven consecutive days once every three months.

4. Tent Sales

Tent sales by merchants occupying the premises on which the sale is conducted and having a valid certificate of occupancy, and occurring no longer than seven consecutive days once every three months.

5. Grand Opening Sales

Grand opening sales, including outside food and beverage vending, for three consecutive days, once per certificate of occupancy.

6. Outdoor Vehicle Show or Sale

Outdoor motor vehicle or recreational vehicle show or sale, for three consecutive days, twice per calendar year.

7. Other Temporary Uses

Other temporary uses similar in nature to the ones listed above, with corresponding limitations, as determined by the Planning Director.

C. Outdoor Display of Merchandise

- 1. The requirements of this Section do not supersede the outdoor display or storage requirements of 7.3.5.L.
- 2. Outdoor display of merchandise in nonresidential districts by merchants occupying the premises and having a valid certificate of occupancy, occurring no longer than nine consecutive days up to four times per year, is allowed subject to issuance of a temporary use permit and all of the following conditions.
 - i. Merchandise shall only be displayed in front of the premises occupied by the merchant.
 - ii. Merchandise shall not be displayed closer than five feet to any entrance to the premises.
 - iii. Merchandise shall only be displayed in a manner that does not obstruct pedestrian or vehicular circulation or traffic.
 - iv. Merchandise shall not be displayed in parking lots.
 - v. The display of merchandise shall not exceed eight feet in height.

- vi. Merchandise shall only be displayed during the merchant's hours of operation, and must be taken inside the premises at closing.
 - vii. No payment (collection of monies) shall occur outside. All sales must occur within a completely enclosed building.
 - viii. Merchandise shall only be displayed in an area not wider than 50 percent of the total linear foot frontage of the building occupied by the merchant.
 - ix. The required temporary use permit must be visibly displayed at the main entrance of the associated merchant.
 - x. A violation of any conditions set out in this section shall constitute a violation of the temporary use permit and cause said temporary use permit to be revoked. Once revoked, a temporary use permit shall not be issued for the same temporary use for a period of one year.
3. Any temporary use permit issued under paragraphs B.4 through B.7 above shall be counted in the maximum number of temporary use permits allowed for the outdoor display of merchandise.

7.5.4. Temporary Mining and Borrow Pit

- A. This permit applies to (sand and soil) excavation and movement activities that are not required for the construction of internal roadways or structures during the construction of a major subdivision or PUD. No material may be removed from the development and excavation activities may not change site elevations by more than two feet from the pre-construction elevation. Excavation activities not meeting these thresholds shall be considered Mining Operations (Class 1 or Class 2 as applicable), or Quarries, and are not permitted through the Temporary Use Permit process.
- B. The Planning Director may approve, but is not obligated to approve, a temporary use permit application by a developer of a PUD or a major subdivision for mining and borrow activities.
- C. Approval of the temporary use permit shall require the applicant to submit a detailed site plan of the area proposed for disturbance drawn to scale. At a minimum, this plan shall show areas proposed for excavation and deposition of material. The plan must also show any existing trees larger than four inches diameter measured at four feet above ground that will be removed during the process. The Planning Director may consult with the Director of Engineering Services to determine the extent of external impacts (such as water ponding or flooding) that may be caused by the proposed activity. Additionally, a Brunswick County Stormwater Permit may be required.
- D. A temporary use permit may be issued for a maximum period of nine months. The Planning Director may extend this period up to nine months by request of the original applicant. Subsequent permits or changes in ownership require the resubmission of an application in conformance with this Section.
- E. As an alternative to the Temporary Use Permit process, applicants may elect to submit an application to perform excavation and relocation of sand and soil as part of the Site Plan or PUD application process.

7.5.5. Temporary Use in Conjunction with Special Event Permit

Where a valid permit has been issued by the County for use of adjacent right-of-way that makes the street unavailable to vehicular traffic, a temporary use permit may be issued in accordance for events on the grounds or in the parking lot of any adjacent parcel during the period of the special event permit.

ARTICLE 8. DESIGN AND PERFORMANCE STANDARDS

8.1 OFF-STREET PARKING AND LOADING

8.1.1 Statement of Intent

- A. Vehicles require adequate space in safe operating and parking conditions for all land uses, public and private. Yet Brunswick County has a unique and sensitive environment whereby space for vehicle parking and loading should have the least necessary impervious surface, should not drain directly into the waters of the county, and should be adequately designed for either on-site absorption of or disposal of such vehicular wastes such as oils.
- B. Brunswick County is dependent upon its tourists and seasonal visitors for sustenance of the economy. In keeping with a tourist economy is the need for presentation of a harmonious image. Landscape features to buffer large areas for parking and loading are required for such economic protection of the county, and for relief from heat build-up of large surface areas.

8.1.2 Applicability

- A. No Building Permit, certificate of Zoning Compliance, or Certificate of Occupancy shall be issued for uses of land, structures, and buildings, either initially or for a change in use or expansion of an existing use, unless the off-street parking and loading requirements of this Article are satisfied.
- B. Applicants proposing to construct large-scale parking facilities may be required to obtain a Transportation Facility Permit from the North Carolina Division of Air Quality prior to initiation of construction in conformance with 15A NCAC 02D .0800. Consult with the Planning Director for more information.

Commentary: Generally- a large scale parking facility is a surface parking lot with at least 1,500 spaces, a parking deck with at least 750 spaces, or a combination of surface and structured parking that has at least 1,000 spaces. See 15A NCAC 02D .0805: Parking Facilities for specific applicability standards.

8.1.3 Activities Exempt

Editor's note: In order to accommodate renovation and investment in commercial properties or very small scale construction of single family homes, ordinances often provide an exemption from parking requirements for certain activities.

- A. A change in use or expansion of an existing use meeting either of the following criteria shall be exempt from the requirements of this Article:
 - 1. Expansions of less than 2,000 square feet or 10% of the total enclosed floor area (whichever is greater); or
 - 2. The new use has the same parking requirement or a lesser requirement than the previous one.
- B. Restriping of a parking area or other vehicular use area which does not result in reconfiguration of the parking spaces shall be exempt from the requirements of this Article.
- C. Construction or modification of an individual single family or two-family residence by the owner shall be exempt from the requirements of this Article.

Commentary: Construction of an entire subdivision, however, is not exempt.

8.1.4 Plans Required

Applications for permits and/or certificates shall include information as to location and dimension of off-street parking, and means of ingress and egress to such space, a copy of the Sedimentation and Erosion Control Plan prepared and filed under N.C. Statute for same, and a showing of shrubbery

8.1 Off-Street Parking and Loading

areas, trees to be saved or added, berms, proposed fences or walls, proposed surface materials, proposed lighting, and written assurance the N.C. Statute on handicapped parking will be satisfied.

8.1.5. Design Standards

A. General Requirements

1. Parking areas shall be designed to allow unobstructed movement into and out of each parking space without interfering with fixed objects such as lighting fixtures, dumpsters, signage, or vehicles.
2. All parking areas shall be designed to provide for internal circulation such that each parking space is accessible to all other parking spaces without necessitating the use of a public street or alley.
3. Cross access drives between adjacent uses and properties shall be encouraged.

B. Paving

1. Where an existing tree is adjacent to a parking area, paver bricks, tree grates, or other pervious surface shall be used within the dripline of the tree.
2. Unless alternative surfaces are specified elsewhere in this document, or are approved by the Planning Director, in consultation with the Director of Engineering Services, all required parking and loading spaces, except for those associated with single-family dwellings, shall be surfaced with asphalt bituminous, concrete or dustless material and shall be maintained in a smooth, well-graded condition [editor's note: pavement standards].
3. Within the Agricultural and Rural Residential districts, required off-street parking and loading spaces may be covered with an all-weather surface designed to support anticipated loads. Loose material surfaces shall be contained with a permanent edging. The surface shall be maintained so that traffic may move safely in and out of the parking area.

4. Alternative Parking Surfaces

- i. Pervious pavers or concrete, stabilized grass lawn, or other pervious parking surfaces may be permitted for specific uses as set forth below, provided they are approved by the Planning Director, in consultation with the Director of Engineering Services. Where provided, such alternative parking surfaces shall be maintained in a smooth, well-graded condition. If parking demand is such that the grass or lawn is caused to be damaged or destroyed to the extent that it ceases to grow, then paving of the area in accordance with this section may be required.
- ii. All driveways, access aisles and parking spaces (excluding handicapped) may be surfaced with grass lawn or other pervious parking surface for the following:
 - (a) Uses which require parking on an average of less than five days per week during a month;
 - (b) Parks, playgrounds, ballfields, football and baseball stadiums, fairgrounds, and other similar outdoor recreation areas; and
 - (c) Surplus parking areas above the required number of parking spaces (see Section 8.1.6, Required Parking).

C. Lighting

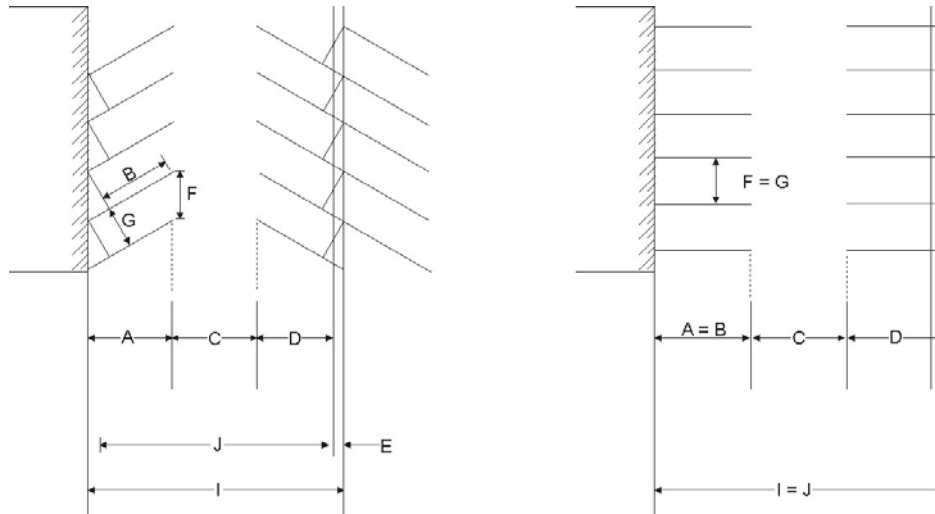
Any lighting shall be internally oriented and shall be installed in conformance with Section 8.5, Outdoor Lighting.

D. Signage

On-premises instructional signs may be provided in conformance with Section 12.6.5.

E. Dimensional Requirements

1. New or altered off-street parking areas shall conform to the following dimensions:



Label	Dimension	Angle			
		45	60	75	90
A	Stall Depth to Wall	17	18.5	19	18
B	Stall Depth Parallel to Vehicle	18	18	18	18
C	Aisle Width	12	16	22	25
D	Stall Depth to Interlock	15	17	18	18
E	Stall Depth Reduction due to Interlock	2	1.5	1	0
F	Stall Width (Parallel to Aisle)	12.7	10.4	9.3	9
G	Stall Width Perpendicular to Vehicle	9	9	9	9
I	Module Width Wall to Wall	46	54	60	61
J	Module Width Interlock to Interlock	42	51	58	61

2. For bumper overhang deduct 1.5 feet from stall depth to wall or 3 feet from module width wall to wall for 45° and 60° parking. Deduct 2 feet from stall depth to wall or 4 feet from module width wall to wall for 5° and 90° parking.
3. Where natural and/or man-made obstacles, obstructions or other features such as but not limited to landscaping, support columns or grade difference exist, the Director of Engineering Services may approve a reduction in stall width, stall length and/or module width. In all instances where a reduction is requested, attention to emergency vehicle access must be considered and incorporated into the parking lot design.
4. Parking spaces designed to be located parallel to a curb or roadway shall be 23 feet long and nine feet wide.
5. Parking in driveways and aisles shall not be permitted unless it is determined by the Planning Director, in consultation with the Planning Director in consultation with the Fire Marshal that emergency access shall not be impaired.

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6. Parking and loading areas shall provide sufficient maneuvering area to accommodate emergency services vehicles and solid waste vehicles. A minimum turning radius of 40 feet shall be required between internal aisles, driveways, and other vehicular use areas. This radius may be reduced if the Planning Director, in consultation with other county officials, determines that the resulting dimension does not impair the intent of this requirement.

F. Parking Decks and Parking Garages

Required parking and loading spaces need not be at ground level. Decks and garages shall be treated either as part of the principal structure and subject to all requirements over such structures, or as principal uses by themselves, meeting all requirements for principal structures and uses when permitted.

G. Design Standards for Handicapped Accessible Parking

1. All off-street handicapped accessible parking spaces shall be designed in compliance with the North Carolina Accessibility Code.
2. All off-street handicapped accessible parking spaces shall be located in the closest parking area to a public entrance to the building but no more than 250 feet from such entrance.
3. All off-street handicapped accessible parking spaces shall be designated by a sign or other means specified by State requirements.

8.1.6. Required Parking

A. Minimum

1. Off-street parking spaces shall be provided for all uses listed below in the amounts specified below. Uses not listed shall be reviewed by the Planning Director, for a determination of the required spaces. Buildings with multiple uses shall calculate parking based on the square footage of each use in the building.
2. Where a building is constructed without a specific use identified, such as a "flexible-use" building that may be occupied by multiple uses, parking requirements shall be satisfied as follows:
 - i. Adequate space shall be reserved either on-site or through an approved alternative parking plan (See Section 8.1.7) to accommodate the requirements for the use with the highest parking requirements permitted in the zoning district. This "reserve area" need not be paved, but shall be indicated on all required plans and shall be counted toward the impervious cover calculations for a development when located in an area where impervious parking and loading is required.
 - ii. The actual number of spaces required to be paved shall be one space per 300 square feet of enclosed floor area. This requirement may be modified by the Planning Director.

Editor's note: Do the standards above accommodate the flex-building issue?

3. Calculation of spaces shall be in whole units only. If a calculation results with a fraction, that fraction shall be rounded up to the next whole number. Unless otherwise specified, enclosed floor area shall be deemed to be gross enclosed floor area.

Use Category	Use	Spaces Required
Agricultural		
Agricultural	All Agricultural uses	1 per site + 1 per 1,000 SF enclosed floor area
Residential		
Household Living	All household living, except as listed below	2 per dwelling unit (accessory dwellings shall

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Use Category	Use	Spaces Required
		be considered a separate dwelling unit)
	Family Care Home	1 per 4 licensed beds
	Upper Story Residential	1.5 per dwelling unit
Group Living	All Group Living, except as listed below	1 per 3 beds
	Boarding House	1 per bedroom
Tourist Homes	Tourist homes and other temporary residences available for short-term rental (10 days or less)	2 per bedroom
Home Occupation	All home occupation, except as listed below	1 + residence requirements
	Doctor or Dentist office, beauty salon	3 + residence requirements
Public and Civic		
Community Service	Fraternal Club or Lodge	1 per 100 SF floor area
	Auditorium	1 per 200 SF floor area (minimum 20)
	Day Care Facilities	1 per employee + 1 per 10 attendees
	Day Care Home	1 + residence requirements + off-street drop-off area (min. 1 drop-off space).
Educational Facilities	Educational facilities, except as listed below	6 per classroom + 1 per 300 SF administrative office + dormitory (group living) requirements
	Elementary or Junior High schools	2 per classroom + 1 per administrative office
Emergency Shelter	All Emergency Shelter	1 per 500 SF floor area
Government Facilities	Correctional Facility	1 per 300 SF office + 1 per 5 beds
	Government Offices and Buildings	1 per 400 SF floor area
Medical Facilities	All Medical Facilities, except as listed below	1 per 250 SF floor area
	Hospitals	1 per 2 beds + 1 per doctor and nurse + 1 per 4 employees on largest shift
Parks and Open Areas	Parks and Open Areas, except as listed below	As determined by the Planning Director in consultation with the Parks and Recreation Director
	Cemeteries, mausoleums, columbaria, memorial gardens	1 per 20 SF in the chapel or assembly area
Passenger Terminal	All Passenger Terminals	1 per 200 SF waiting floor area + 1 per 2 employees
Place of Worship	All Places of Worship	1 per 20 SF of seating area in the assembly area (day care, schools, and other uses calculated separately)
Utilities	All Utilities, except as listed below	1 per 1,000 SF enclosed floor area
	TV/HDTV/AM/FM Broadcast Antennae	1 per 500 SF enclosed floor area
Commercial Uses		
Campground	All campground uses	2 at each campsite + 1 per 500 SF enclosed area
Funeral Home	All Funeral Homes	1 per 20 SF in the chapel or assembly area + 1 per funeral vehicle
Indoor Recreation	All Indoor Recreation, except as listed below	1 per 250 SF enclosed floor area
	Adult & Sexually Oriented Business	1 per 100 SF enclosed floor area
Outdoor Recreation	Outdoor Recreation, except as listed below	1 per 500 SF of enclosed floor area + 1 per 1,000 SF of outdoor use area
	Commercial Boating Facilities	1.5 per slip + 1 per 500 SF enclosed floor area
	Golf Courses (see "restaurants" for additional parking requirements associated with eating facilities)	4 per hole + 1 per 500 SF enclosed floor area
Overnight Accommodation	All Overnight Accommodation, except as listed below (see "Tourist Homes" for short-term rentals)	1.25 per room + 1 per 100 SF conference/banquet/restaurant

Article 8 Design and Performance Standards**8.1 Off-Street Parking and Loading**

Use Category	Use	Spaces Required
	Bed and Breakfast	1 per guest room + 2 per owner/manager
Planned Unit Development	Planned Groups of Structures	Generally, minimum required for the individual uses, although this may be modified by the Planning Board during approval.
	Planned Unit Development/Mixed Use Development	
Retail Sales and Service	All Retail Sales and Service, except as listed below	1 per 200 SF floor area for the first 50,000 SF of gross leaseable Area and 1 per 250 SF of leaseable area after that
	Flea Markets	1 per 300 SF vendor area
	Kennel	1 per 250 SF enclosed floor area
	Veterinary Establishment, Animal Hospital	
	Performing Arts Studio	1 per 400 SF enclosed floor area
	Personal Service Establishments	1 per 500 SF enclosed floor area
	Restaurants	1 per 100 SF floor area (including outdoor eating areas)
Self-Service Storage Facility	Self-Service Storage Facility	Min. 5 or 1 per 100 storage units, whichever is greater
Vehicle Sales and Service	All Vehicle Sales and Service, except as listed below	3 per service bay
	Car Wash	1.5 per wash bay + required stacking spaces
	Vehicle and Heavy Equipment Sales and Rentals, Manufactured and Modular Home Sales and Service	1 per 500 SF enclosed floor area
Office		
Office Uses	All office uses	1 per 300 SF enclosed floor area
	Banks and Financial Institutions	1 per 250 SF enclosed floor area
Industrial		
Heavy Industrial	All Heavy Industrial, except as listed below	1 per 1,000 SF enclosed floor area
	Junkyard	1 per 10,000 SF yard area
Light Industrial	All light industrial	1 per 1,000 SF enclosed floor area
Resource Extraction	All Resource Extraction, except as listed below	1 per 2 employees, minimum 3
	Mining Operations, Class I	As required by the Planning Director
	Mining Operations, Class II	
Warehouse and Storage	All Warehousing and Storage	1 per 5,000 SF of floor area
Waste Related Services	All Waste Related Services	1 per 500 SF enclosed floor area + 1 per 5,000 SF outside storage area
Wholesale Sales and Service	All Wholesale Sales and Service	1 per 1,000 SF floor area

B. Maximum Parking Permitted

1. No use shall provide more than 150% of the required parking shown in the table above unless any parking above the 150% threshold is pervious or is provided through use of structured parking.
2. Where a project is intended to be developed in phases, the Planning Director may approve development of a parking area intended to serve current and future development.

C. Modifications

The Planning Board may reduce the required number of spaces by up to 20% if for reasons of topography, mixes of uses, ride sharing programs, availability of transit, or other conditions specific to the site, provided the reduction in the required number of parking spaces satisfies the intent of this Section.

D. Parking for the Disabled

In accordance with the North Carolina Accessibility Code the following numerical requirements shall apply for handicapped/disabled spaces:

Total Number of Spaces in Lot	Minimum Number of Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
150-200	6
201 or more	7 plus one per every 100 over 700
Note: Minimum number of accessible spaces is in addition to the total number of required spaces.	

8.1.7. Alternative Parking Plans**A. General**

Innovative approaches which reduce the amount of impervious cover within Brunswick County are encouraged when the public interest is served and protected. The Planning Director or Planning Board, as specified, may reduce the minimum amount of off-street parking required (beyond that permitted by Sec. 8.1.6.C, Modifications) where developer-submitted parking data, prepared and sealed by a registered engineer with transportation expertise, illustrates that the standards of this section do not accurately apply to the specific development. The data submitted for an alternative parking plan shall include, at a minimum, the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses. The following factors may also be considered.

B. Factors Considered in Alternative Parking Plans**1. Public Parking**

Up to 35% of the required off-street parking spaces may be waived by the Planning Director if publicly-controlled-parking is located within a 500 foot walking distance along public walkways from the main entrance of the proposed use and the Planning Director also determines that adequate parking spaces are available within the publicly-controlled parking area to accommodate the anticipated use. Reductions below 35% of the required off-street parking spaces may be approved by the Planning Board.

2. Off-Site and Cooperative Parking

- i. Cooperative provision of required parking space and other innovative parking arrangements which protect and serve the public interest are encouraged.
- ii. The Planning Director may approve the location of up to 50% of required off-street parking spaces on a separate lot from that on which the principal use is located if the off-site parking complies with all of the following standards. This factor shall not be used to satisfy the off-street parking requirements for convenience stores or similar convenience-oriented uses or for handicapped accessible parking.

iii. Location

No off-site parking space shall be located more than 500 feet from the primary entrance of the use served (measured along public walkways). Off-site parking spaces shall not be

8.1 Off-Street Parking and Loading

separated from the use served by a highway, unless a grade-separated pedestrian walkway is provided, or traffic control or remote parking shuttle bus service is provided. Off-site parking shall be located in a district where commercial parking is a permitted principal use.

iv. Agreement for Off-Site and Cooperative Parking

If an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required. The owner of the off-site parking area shall enter into a written agreement in a form acceptable to the County Attorney, (with enforcement running to the record owners of the area and the County) providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and that such agreement shall bind heirs, successors, and assigns.

3. Valet Parking

The Planning Board may approve valet parking as a means of satisfying otherwise applicable off-street parking requirements where all of the following standards have been met.

- i. Adequate assurance of the continued operation of the valet parking, such as a contractual agreement for valet services or the tenant's affidavit agreeing to provide such services shall be provided;
- ii. An equivalent number of valet spaces shall be available to replace the required parking spaces. Such valet spaces do not require individual striping, and may take into account the tandem or mass parking of vehicles.

8.1.8. Vehicle Stacking Areas**A. Vehicle Stacking Areas**

The vehicle stacking standards of this subsection shall apply unless otherwise expressly approved by the Planning Director. Additional stacking spaces may be required where trip generation rates suggest that additional spaces will be needed.

B. Minimum Number of Spaces

Off-street stacking spaces shall be provided as follows:

Activity Type	Minimum Stacking Spaces	Measured From:
Automated teller machine (drive-up)	3	Teller
Bank teller lane	4	Teller or Window
Car wash bay, full-service	6	Bay
Car wash bay, self-service	3	Bay
Dry cleaning/laundry drive-through	3	Cleaner/Laundry Window
Gasoline pump island	2	Pump Island
Gatehouse, staffed	4	Gatehouse
Gate, unstaffed	2	Gate
Pharmacy pickup	3	Pharmacy Window
Restaurant drive-through	6	Order Box
Restaurant drive-through	4	Between Order Box and Pick-Up Window
Valet parking	3	Valet Stand
Other	Determined by Planning Director in consideration of an approved study prepared by a registered engineer with expertise in Transportation Engineering.	

C. Design and Layout of Stacking Spaces

Required stacking spaces shall be subject to the following design and layout standards:

1. Size

Stacking spaces shall be a minimum of eight feet in width by 25 feet in length.

2. Location

Stacking spaces shall not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

3. Design

Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the Planning Director, for traffic movement and safety.

4. Landscaping and Screening Requirements

In order to protect adjacent properties from noise and visual impacts, vehicle stacking areas shall be screened from adjacent residential property in accordance with the screening requirements of Section 8.9, Screening, and Section 8.1.10, Vehicular Use Area Landscaping.

8.1.9. Loading Areas**A. Location**

1. No loading spaces shall be located within 30 feet of street intersections or in any required front, side, or rear yard.
2. A minimum setback of 50 feet shall be required where loading docks face a residential district or a structure with first-floor residential uses, unless the loading area is completely screened from view with an eight foot high masonry wall in accordance with the requirements of Section 8.7, Fences and Walls.
3. Loading areas shall be located to provide the most convenient access to the use being served. Generally, loading areas should be within 50 feet of the building.

B. Surfacing

Generally, all open off-street loading areas shall be paved with an all-weather material such as concrete or asphalt, designed to carry the heaviest vehicle loads that can commonly be expected. Consideration should be given to the weight of fire and sanitation equipment as well as delivery vehicles.

C. Design

1. Loading berths for office uses shall be a minimum of 12 feet wide by 35 feet long with a height clearance of 14 feet.
2. All other loading berths shall be a minimum of 12 feet wide and 55 feet long with a height clearance of 14 feet.

D. Utilization

Space allocated to any off-street loading space, accessory drives, or aisles, shall not be used to satisfy the space requirements for any off-street parking or trash handling facilities.

E. Ingress and Egress

Each required off-street loading space shall be provided with a means of unobstructed ingress and egress to an alley or onto a public street wide enough to accommodate expected vehicles. Where such ingress and egress is made into a public street, it shall be through driveways or openings which meet required standards. Permanent wheel stops or curbing shall be provided to prevent any vehicle

8.1 Off-Street Parking and Loading

using the loading area from encroachment on the required front yards, side yards, or adjacent property.

F. Off-Street Loading Requirements

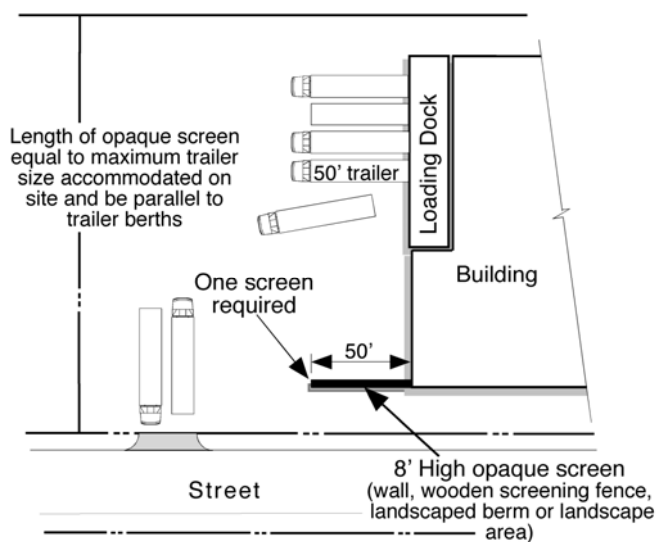
1. Loading spaces shall be required for uses which normally handle large quantities of goods, including but not limited to industrial plants, wholesale establishments, warehouses, freight terminals, hospitals and retail establishments.
2. Off-street loading spaces may be either inside or outside the building and on the same or adjoining lots.
3. The loading spaces shall be of sufficient size and number to allow normal loading and unloading operations appropriate to the property to be served.
4. In no case shall the loading space hinder the movement of traffic or pedestrians. The loading spaces shall be indicated on site plans submitted for approval.
5. The Planning Director may require one or more additional loading areas if the magnitude of the use would anticipate the need for more loading or standing space.
6. Loading areas shall be signed to indicate "No Idling."
7. Any loading area located adjacent to a residential district shall not receive deliveries between the hours of 11 p.m. and 6 a.m.

G. Repair and Service

No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any district.

H. Landscaping and Screening Requirements

Loading areas shall be screened from public streets and adjacent residential property in accordance with the screening requirements of Section 8.9, Screening, and Section 8.1.10, Vehicular Use Area Landscaping. The screen shall be at least as long as the longest trailer to be accommodated by the area. The Planning Director may reduce or waive this requirement if it can be determined that other elements would provide adequate screening. These elements may include, but are not limited to, existing site features or landscaping installed to satisfy other requirements.

**I. Signage**

On-premises instructional signs may be provided in conformance with Section 12.6.5.

J. Number of Spaces Required

The numbers in the table below shall serve as a guideline for determining the number of loading spaces required.

Gross Floor Area of Building	Number of Spaces ¹
0 - 5,000	0
5,001 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 and over	5
Note: ¹ The Planning Director may require additional loading spaces. See Section 8.1.9.F.5.	

8.1.10. Vehicular Use Area Landscaping**A. Intent**

Landscaping of vehicle use areas is intended to buffer adjacent uses from parking areas and minimize large unbroken areas of parking.

B. Applicability

With the exception of vehicular use areas located in an Industrial District and vehicle sales areas, the following standards shall apply to all development. These requirements shall be in addition to any required project boundary buffers or street buffers (See 9.2).

C. General

1. Wherever off-street facilities are provided for parking or any other vehicular uses as provided in this Section, such off-street facilities shall be landscaped in accordance with the landscaping requirements set forth in these zoning regulations; except that single- and two-family residential uses on individually platted lots, and multi-level parking structures shall be exempt from such requirements.
2. All landscaped areas shall be protected from vehicular encroachment by curbs, wheel stops or other similar devices. All landscape islands shall be curbed. With the approval of the Planning Director, grass, gravel, or other permeable surface parking areas may be used.
3. The use alternative forms of curbing, including, but not limited to, railroad ties with approval of the Zoning Administrator.
4. The use of existing trees to meet the requirements of this Section is encouraged.

D. Protection of Heritage Trees

Trees considered Heritage Trees shall be protected and preserved in conformance with Section 9.1.4.B, Heritage Trees.

E. Landscaping Required**1. Planting Material Standards**

See Section 9.1.5, Design of Landscaping and Buffers for standards relating to plant types and sizes, and installation and maintenance requirements.

8.1 Off-Street Parking and Loading

2. Landscaping Required Prior to Occupancy Permit

Completion of landscape improvements in off-street vehicular facilities is required prior to issuing any final certificate of occupancy for construction subject to this Section. In cases where planting is delayed until the appropriate planting season the applicant may pursue either of the following actions:

- i. A temporary certificate of occupancy may be issued by the Zoning Administrator. However, no temporary certificate may be issued for a period in excess of six months, unless extended by the Zoning Administrator; or
- ii. The applicant may post a bond or letter of credit equal to 125% of the value of the required improvements.

3. Required Interior Landscaping

Each off-street facility for parking or any other vehicular uses shall be constructed so that interior portions of off-street vehicular facilities not utilized specifically as a parking space or maneuvering or other vehicular use area shall not be paved, but shall be landscaped in accordance with this Section.

4. Relocation of Required Landscaping

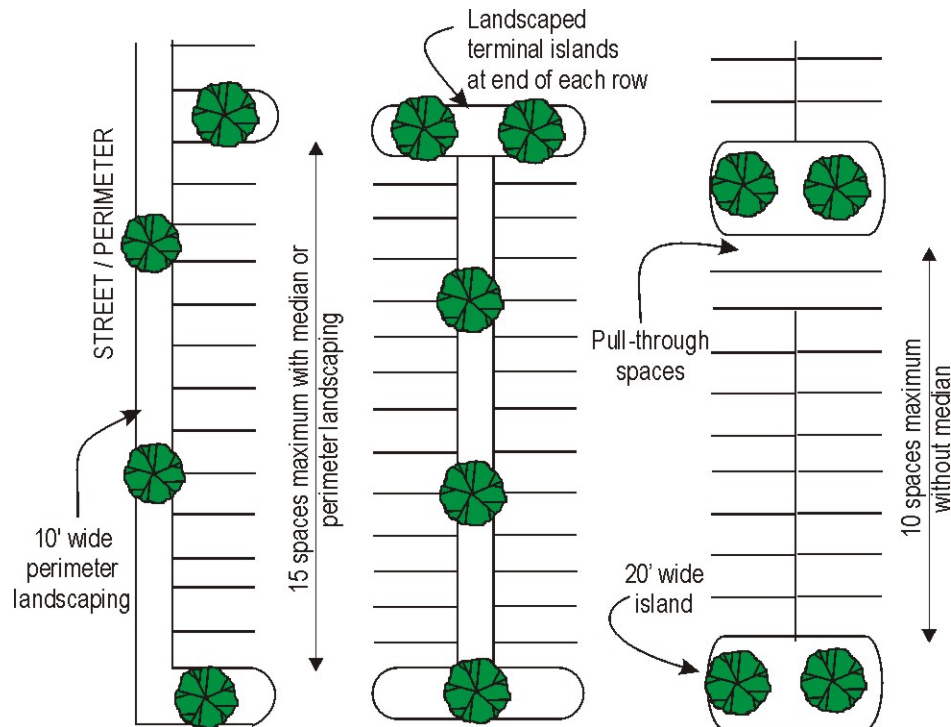
In some vehicular use areas, the strict application of this subsection would seriously limit the function of the area, such as vehicle storage/display areas and grass parking areas. In such areas, the square footage of required landscape islands and medians, along with the required trees, may be located near the perimeter of the area.

F. Parking Lot Landscape Islands and Medians

Off-street vehicular use areas in excess of 1,500 square feet or five spaces shall provide interior landscaped areas in accordance with the following requirements.

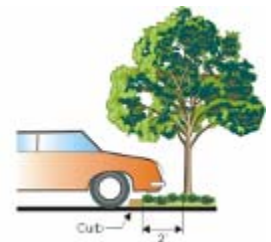
1. Landscaped islands shall be located to divide and break up the expanse of paving and at strategic points to guide traffic flow and direction.
2. All rows of perimeter parking spaces shall contain no more than 15 parking spaces uninterrupted by a required landscape island, and no parking space in any such row shall be separated from a required landscape island by more than seven parking spaces.
3. All rows of parking spaces shall terminate in a curbed landscaped island. Each island shall contain a minimum of 170 square feet with a minimum width of ten feet inside the curb and include understory one tree for each 50 lineal feet of landscaped area. Intermittent breaks in this curb to accommodate stormwater shall be allowed provided the breaks do not exceed two feet in width and are spaced a minimum of six feet apart.
4. The remaining area within a landscaped island shall be surfaced with shrubs, ground cover, grass, or other landscape material (excluding rock).
5. Avoid running utility lines and pipes under landscape islands and medians.
6. Where tiers of interior parking spaces are proposed to abut one another, they shall be designed so as to have a landscape median area of not less than 10 feet in width between such tiers, measured to back of curb.
7. The medians shall be landscaped in accordance with this Section and contain one understory tree for each 50 lineal feet. There shall be no more than 15 parking spaces uninterrupted by a landscape island at least 10 feet in width. No parking space in any such tier shall be separated from a required landscape island by more than seven parking spaces.

8. Required medians may be eliminated. Where the median is eliminated, the landscape islands shall be increased in width to 20 feet inside of curb. There shall be no more than 10 spaces in a row without a landscape island.
9. Where medians have been eliminated, up to ten percent of the spaces may be designed as pull-through spaces for trailers and oversized vehicles.



G. Vehicle Encroachment into Required Landscaped Islands

1. The front of a vehicle may encroach upon any interior landscaped island or walkway when said area is at least four and one-half feet in depth per abutting parking space and protected by curbing. Two feet of such interior landscaped island or walkway may be part of the required depth of each abutting parking space. No tree or shrub more than two feet in height shall be planted within two feet of the edge of the landscape island.



2. Curbs shall be installed to prevent vehicles from overhanging on or into adjacent property, or landscaped areas. Where vehicles will overhang over medians or islands, shrubs and trees shall be planted a minimum of two feet from back of the curb. Where alternative parking surfaces are provided the Zoning Administrator may allow wheel stops in place of curbs.
3. The front of a vehicle may not encroach within any project boundary or street buffer area.
4. If no curb is provided, parking bumpers shall be provided to achieve the same effect.

H. Maintenance

Required landscaping shall be maintained pursuant to the requirements of Section 9.1.6, Requirements for Maintaining Buffers and Landscaping.

8.2 Access

8.2 ACCESS

8.2.1. General

- A. Every lot shall have (direct or indirect) access to a public or private street. Access must provide a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.
- B. In general, the minimum required width is equal to a 20-foot-wide public access easement, although this may be reduced by the Planning Director if access sufficient to satisfy paragraph A. above is provided. Additional width access easements may also be required to accommodate driveways.

8.2.2. Driveway Permit Required

An NCDOT driveway permit may be required for driveways serving any new use or change from an existing that accesses a state maintained road. Consult the Planning Department for more information.

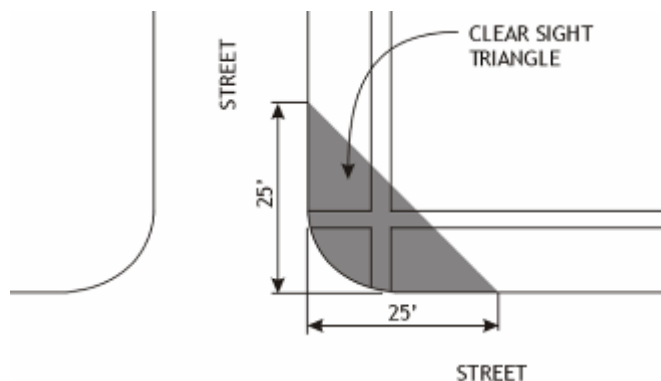
8.2.3. Driveway Design

- A. In general, driveways shall be not less than 18 feet in width for one-way traffic and 24' in width for two-way traffic.
- B. However, 18' wide driveways shall be allowed for two-way traffic when all of the following exist:
 - 1. the driveway is not longer than 75';
 - 2. the driveway provides access to six or fewer spaces; and
 - 3. sufficient turning space is provided so that vehicles need not back into public street.
- C. 18' wide driveways may be also permitted for two-way traffic if the Planning Director determines that not more than ten trips per day will be generated to and from the vehicular area being served by that driveway; and such vehicular area is not used by the general public.
- D. Parking in driveways shall not be permitted unless it is determined by the Planning Director, in consultation with the Public Works Director and [Fire Marshall?] that emergency access shall not be impaired.

8.2.4. Sight Triangles

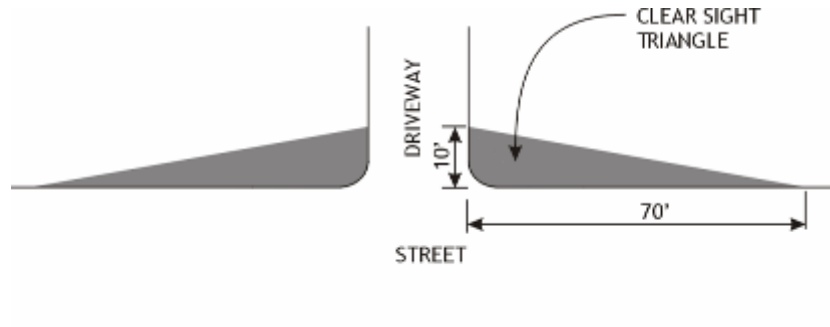
A. Corner Lots

On any corner lot, a sight triangle shall be established. The sight triangle shall be formed by extending lines from the intersections of two streets to points 25 feet from the corner of the intersecting streets and then connecting the two points.



B. Driveways

For any driveway, a sight triangle measuring ten feet from the back of curb and extending 70 feet from the edge of each side of the driveway shall be required.

**C. Design Standards**

Within the sight triangle, no materials which would impede traffic visibility shall be allowed. Structures, fences and plant materials that extend into the sight triangle between two and one half feet and eight feet in height, as measured from the grade of the street or drive, shall not be allowed.

8.2.5. Access to Major Thoroughfares Restricted

- A. With the exception of bona fide farming activities, all uses located adjacent to a Major Thoroughfare identified on the NCDOT Major Thoroughfare Plan for Brunswick County shall require a driveway permit from NCDOT prior to the issuance of a building permit by Brunswick County.
- B. When a subdivision involving platting of a new street (or streets) borders on or contains an existing or proposed thoroughfare street, lots may not have direct driveway access to the thoroughfare.

Editor's note: possible solution for dealing with restricted access to major thoroughfares below when combined with the connectivity requirements.

- C. When a lot or development borders on or contains an existing or proposed thoroughfare as delineated by a County or NCDOT Transportation Plan access to the thoroughfare may be limited by one of the following means:
 1. A separation of 400 feet is required from the nearest centerline of any other proposed or existing driveway access along the same side of the thoroughfare. Reduced separation may be authorized only by review and recommendation of the Director of Engineering Services and NCDOT.
 2. Lots shall be subdivided so as to provide access onto a frontage road or reverse frontage road. The centerline of the frontage or reverse frontage road where it intersects the thoroughfare shall be no closer than 800 feet to the centerline of the nearest proposed or existing driveway access or road.
 3. Driveway access closure may be required for any change in use of a lot based upon review and recommendation of the Director of Engineering Services and NCDOT.
 4. Notwithstanding any other provisions of this Section, access provisions may be reduced when:
 - i. The effect of such application would be to deprive the lot of reasonable access; or
 - ii. The size of the tract being subdivided, or lack of frontage on the thoroughfare makes the alternatives above not feasible.

8.3 LARGE SCALE COMMERCIAL

8.3.1. General Purpose and Intent

- A. The purpose of this Section is to supplement development standards elsewhere in these zoning regulations with specific criteria that apply to the design of certain commercial buildings and projects,
- B. The County's goal is to create and maintain a positive ambiance and community image and identity by providing for architectural and site design treatments that will enhance the visual appearance of certain commercial development and the quality of life.
- C. The applicable commercial development depends on high visibility from public streets. In turn, design of certain commercial buildings and sites determines much of the image and attractiveness of the streetscapes and character of the community. Massive, duplicative or generic projects that do not contribute to, or integrate with, the community in a positive manner can be detrimental to a community's image and sense of place.
- D. This Section incorporates a basic level of architectural design which, in conjunction with site design, landscaping, lighting and sign treatments located elsewhere in this Ordinance, is intended to result in a comprehensive scheme for building design and site development. However, this Section is not intended to require any specific style of architecture.
- E. This Section is also intended to:
 - 1. Promote high standards in architectural design and the construction of creative, innovative, aesthetically pleasing structures;
 - 2. Encourage landowners, designers and developers to look closely at local conditions and the development site, and produce new development that enhances and complements both the built and natural environment;
 - 3. Ensure that development and building design is sensitive to the specific site, consistent with the existing and proposed character of the area, including residential and nonresidential uses in the surrounding area, and does not detract from the positive elements existing neighborhood characteristics.

8.3.2. Standards

The standards found in this section shall be in addition to all other applicable standards found in this Ordinance.

Commentary: *Compliance with the requirements for items such as parking, landscaping, screening, and other components of this Ordinance is still required.*

A. Building Materials

Predominant exterior building materials shall be high quality material. These include, without limitation: brick, natural decay resistant quality exterior wood siding, rock, stone or tinted and textured concrete masonry units, and transparent glass windows and doors. Facade colors shall be neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors, but these colors may not comprise more than 15% of any building facade.

B. Requirements for Building Massing and Articulation

- 1. The design shall help integrate the development with its surroundings by breaking down the apparent mass and scale of the building on all sides.
- 2. No more than 60,000 gross square feet of the structure shall be designed as a distinct mass. Preferably, two or more building masses shall be expressed.

3. A Special Exception Permit (see Section 3.9) shall be required for any single retail structure in excess of 225,000 of enclosed floor area, in addition to all other requirements.
4. The primary (front) facade shall be designed to comply with the requirements of Section 8.4, Building Façade Design.
5. All facades visible from a public roadway shall be given equal design significance. There shall be no blank, featureless walls, including rear walls. The design shall present a continuity of style on all facades visible from the public roadway, except where separated by a party wall located on a lot line.
6. Outparcels shall be designed and integrated with the main project.

C. Integration into the Street Network

Internal and new streets shall connect to existing streets or be designed to facilitate future connections to the maximum extent possible.

D. Design Review Required

Compliance with the large-scale commercial requirements shall be demonstrated through submittal of architectural drawings at the time of site development plan review in accordance with Section 3.14, Design Review or where no site development plan is required, submittal directly to the Planning Director. Drawings shall include, but not be limited to, a floor plan, roof plan and all exterior building elevations, and any other information deemed necessary to demonstrate compliance with this Section.

E. Criteria for Approval

The Planning Director shall apply the following criteria in making a determination of compliance with these large-scale commercial requirements.

1. The petition is complete and the information contained within the petition is sufficient and correct enough to allow adequate review and final action.
2. The petition illustrates compliance with the large-scale commercial requirements of this Section.
3. The design demonstrates unique, site-sensitive architecture.
4. The design is compatible with surrounding properties.

8.3.3. Alternative Compliance

Alternative compliance may be obtained using the Design Review process. In such cases, the Planning Director shall have the authority to approve the following:

- A. Materials of construction not listed, provided the materials used are implemented in a manner that enhances the surrounding area;
- B. Use of additional landscaping to screen portions of a building, provided additional landscaping shall not be credited towards any required landscaping.
- C. Increase the maximum size of a single retail structure, provided the structure is designed in a manner that enhances the surrounding area.

8.4 BUILDING FAÇADE DESIGN

Commentary: In order to present an attractive 'face' for Brunswick County, buildings along major roadways and in other high visibility locations should enhance the image of the County. The emphasis should be on architectural detail and human-scale design.

Article 8 Design and Performance Standards

8.4 Building Façade Design

8.4.1. Applicability

The following shall comply with the requirements of this Section:

- A. Construction of any new use classified as Commercial or Office (see Section 7.1.1, Grouping of Uses).
- B. Construction of any new use classified as Industrial when located within 100 feet of a public roadway.
- C. Expansion or modification of an existing Commercial or Office use that increases the total enclosed floor area by at least 50% or 5,000 square feet, whichever is greater.

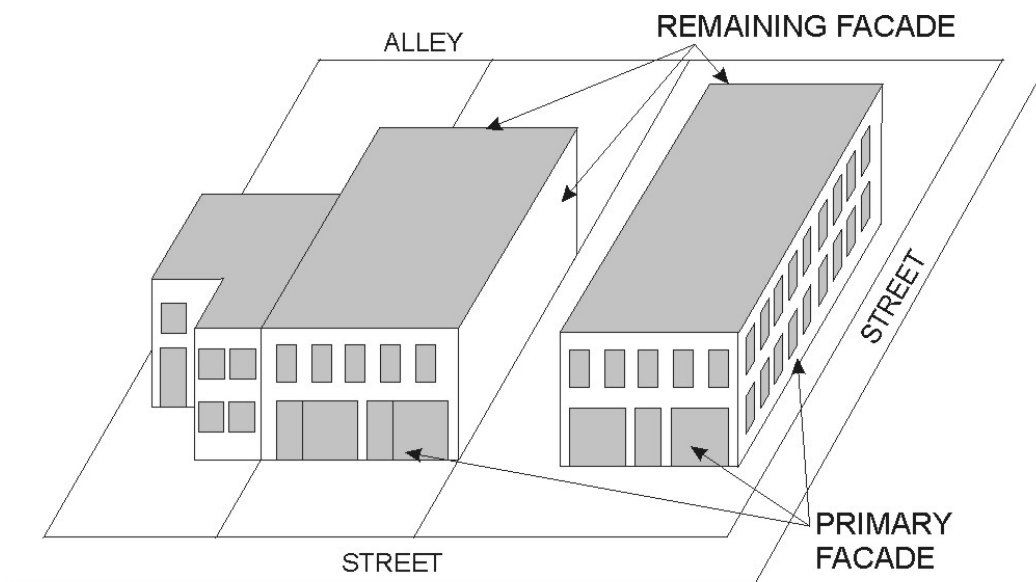
8.4.2. Exempt

The following shall be exempt from the requirements of this Section:

- A. Communication towers shall be exempt from these requirements.

8.4.3. Standards

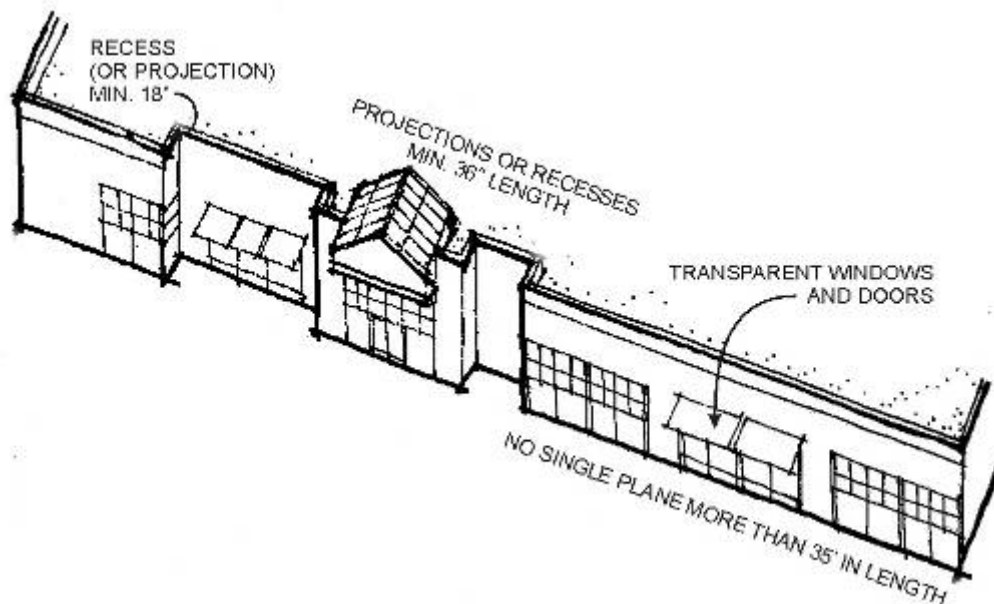
- A. The primary façade shall be constructed of one or a combination of the following materials: concrete aggregate, stucco, brick, stone, glass or wood, faced concrete block. Artificial materials which closely resemble these materials shall also be allowed.
- B. The remaining sides of the building shall be treated with the same materials of construction as the primary façade.



FACADE DESCRIPTIONS
WITHIN AREA SUBJECT TO STANDARDS

- C. No portion of building constructed of unadorned (unfaced) concrete masonry units or corrugated and/or sheet metal may be visible from a public roadway.
- D. Long continuous building walls are discouraged and no single façade extending unbroken more than 35 feet in a horizontal plane may be visible from a public roadway. Compliance may be obtained through one of the following:

1. The use of projections or recesses (articulation). When used, each projection or recess shall have a projection (or depth) dimension of no less than 18 inches and a width of no less than 36 inches; or
 2. The use of columns or other architectural detail to provide visual interest. Where used, columns should be harmonious with the general design of the structure.
- E. At least 25% of the first floor of the street facade should be transparent.



- F. The use of pitched roofs and roof overhangs is encouraged. Recommended roofing materials include slate shingles, asphalt and fiberglass shingles, metal standing seam or tiles. Partial (occupying less than three sides) mansard roofs are discouraged.

8.4.4. Alternative Compliance

Alternative compliance may be obtained using the Design Review process. In such cases, the Planning Director shall have the authority to approve the following:

- A. Reduced transparency requirements;
- B. Materials of construction not listed, provided the materials used are implemented in a manner that enhances the surrounding area;

8.5 OUTDOOR LIGHTING

8.5.1. Purpose and Intent

Nonresidential and multifamily buildings and projects, including outparcels, shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or should be designed to blend into the surrounding landscape. Lighting design and installation shall ensure that lighting accomplishes on-site lighting needs without intrusion on adjacent properties.

8.5 Outdoor Lighting

8.5.2. Applicability

The requirements of this Section shall apply to:

- A. All nonresidential or multifamily development; and
- B. All residential subdivision development.

8.5.3. Exempt

- A. The following activities are exempt from the requirements of this Section.
 - 1. Outdoor lights used for a temporary event; permitted through a Temporary Use Permit.
 - 2. Outdoor lights used exclusively for recreational activities, concerts, plays or other outdoor events that are open to the public, provided that the event or function meets all other applicable Ordinance requirements. Such lighting shall be located at least 50 feet from any adjacent residential district or use.
- B. Outdoor lighting exempt from the Section shall only be illuminated while the activity takes place and during high traffic periods immediately before and after the event.

8.5.4. Lighting Plan

A site lighting plan shall be required as part of the application review for all areas proposed for illumination that exceed 40,000 square feet in area. Projects with multiple areas proposed to be illuminated (such as separate parking lots) shall submit a site lighting plan if the sum of the multiple areas exceeds 40,000 square feet.

8.5.5. Site Lighting Design Requirements

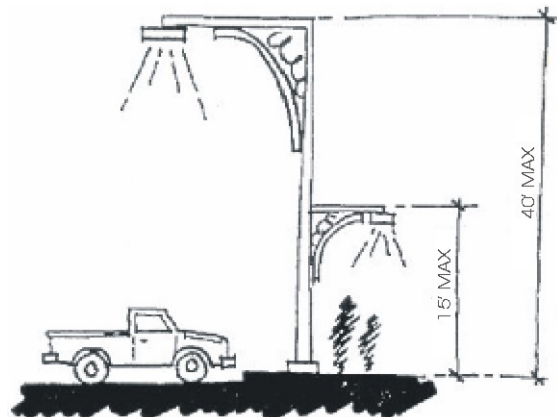
Lighting shall be used to provide safety while accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This can be accomplished through style, material or color. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

A. Fixture (Luminaire)

- 1. The light source shall be completely concealed behind an opaque surface and recessed within an opaque housing and shall not be visible from any street right-of-way or adjacent properties. Overhead lighting fixtures shall be designed to prevent light from emitting upwards towards the sky.
- 2. Under canopy lighting fixtures should be completely recessed within the canopy.

B. Fixture Height

- 1. Lighting fixtures shall be a maximum of 40 feet in height within the parking lot and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas. All light fixtures located within 50 feet of any residential use or residential property boundary shall not exceed 15 feet in height.
- 2. The Planning Director may allow fixtures above this height to provide internal lighting for stadiums, arenas, and similar facilities.



C. Light Source (Lamp)

Only incandescent, florescent, metal halide, or color corrected high-pressure sodium may be used. The same light source type must be used for the same or similar types of lighting on any one site throughout any development.

D. Mounting

Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

E. Limit Lighting to Periods of Activity

The use of sensor technologies, timers or other means to activate lighting during times when it will be needed may be required by the Planning Director to conserve energy, provide safety, and promote compatibility between different land uses.

8.5.6. Illumination Levels

- A. All site lighting shall be designed so that the level of illumination as measured in foot-candles (fc) at any one point meets the standards in the table below with minimum and maximum levels measured on the pavement within the lighted area and average level (the overall generalized ambient light level), measured as a not-to-exceed value calculated using only the area of the site intended to receive illumination.

LIGHT LEVEL (foot-candles)			
Type of Lighting	Minimum	Average	Maximum
Architectural Lighting	0.0	1.0	5.0
Canopy Area Lighting	2.0	10.0	15.0
Multifamily Parking Lot	0.2	1.0	8.0
Nonresidential and Multifamily Entrances	1.0	5.0	15.0
Nonresidential Parking Lot	0.2	1.5	10.0
Storage Area (security lighting)	0.2	1.0	10.0
Vehicle Sales and Display	0.2	3.0	15.0
Walkways, Landscape or Decorative Lighting	0.2	0.8	5.0

- B. The maximum level of illumination at the outer perimeter of the site or project shall be 0.5 foot-candles when abutting a residential zoning district and 5.0 foot-candles when abutting all other districts and/ or streets.

8.5.7. Excessive Illumination

- A. Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property is prohibited. Lighting unnecessarily illuminates another lot if it exceeds the requirements of this Section.
- B. All outdoor lighting shall be designed and located such that the maximum illumination measured in footcandles at the property line does not exceed 0.2 on adjacent residential uses, and 0.5 on adjacent commercial sites and public rights-of-way.
- C. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.
- D. Fixtures used to accent architectural features, landscaping or art shall be located, aimed or shielded to minimize light spill into the night sky.
- E. Blinking or flashing lights shall be prohibited unless the lights are required as a safety feature (e.g. beacons on towers) or shall be permitted as part of a sign in accordance with Article 12, Signs.

8.6 Outdoor Display and Storage

8.5.8. Nonconforming Lighting

Lighting fixtures existing as of [adoption date] may remain, and shall be considered nonconforming structures. Modifications, replacement or expansions, shall conform to the standards of this Ordinance.

8.6 OUTDOOR DISPLAY AND STORAGE

8.6.1. Applicability

- A. Outdoor display and storage shall be permitted in any nonresidential district only through the Administrative Adjustment process in Section 3.11. A binding site plan illustrating the extent of the permitted area for outdoor display shall be required.
- B. The requirements of this Section do not supersede or replace any previously issued special exception for outdoor display or storage.

8.6.2. Exempt

The following activities and uses shall be exempt from the requirements of this Section:

- A. Vehicles for sale, lease or rent as part of a properly permitted use (including boats and manufactured housing);
- B. Plant material at a Plant Nursery or Plant Nursery with Landscape Supply;
- C. Waste generated on-site and deposited in ordinary refuse containers; and
- D. Properly permitted temporary uses (however, the Planning Director may impose certain restrictions as a condition of Temporary Use Permit approval).

8.6.3. Outdoor Display

- A. The outdoor location of soft drink or similar vending machines shall be considered outdoor display where the location is visible from adjacent residential development.
- B. Acceptance of remittance outdoors (including cash registers or similar devices) shall not be permitted, except for activities permitted through a temporary use permit.
- C. Menu boards associated with a drive-through that are visible from a public roadway or adjacent residential development shall be considered outdoor display.

8.6.4. Outdoor Storage

A. Located Outside of Right-of-Way

- 1. Where permitted by this Ordinance, all outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residentially-zoned district.
- 2. Outdoor storage may not be located in the required site triangle (see Section 8.2.4).

B. Storage Not Permitted in Required Street or Side Yards

- 1. Unless expressly permitted by this Ordinance, no outdoor storage shall be allowed in required front yards or otherwise forward of the front building line.
- 2. Outdoor storage may be located to the side or rear of a building, provided it is outside of the required side and rear yard area.

C. Screening Required

All outdoor storage visible from a public roadway shall be screened in conformance with Section 8.9 Screening.

8.7 FENCES AND WALLS

8.7.1. Height

- A. The maximum height of a fence or wall shall be as shown in the table below, unless a higher fence or wall is required by other provisions of this Ordinance.

DISTRICT	FRONT YARD	ALL OTHER YARDS	WITH ADMINISTRATIVE ADJUSTMENT
Residential Districts			
AG	6	8	
RR, R-7500	6	6	8
R-6000, MR-3200	4	6	8
Commercial Districts			
C-N	4	8	10
C-LD, C-I	6	8	10
Industrial Districts			
All Industrial Districts	8 ¹	8	10+
Note: Fences and walls over 50 feet from the right-of-way are subject to the "All Other Yards" standards			

- B. Fences or walls within required yards fronting on a public street shall comply with the front yard height standard. The Planning Director may approve an increase in height to the maximum indicated in the column "With Administrative Adjustment".

8.7.2. General

- A. No fence or wall shall impede the visual locating of 911 emergency street addresses.
- B. No fence or wall shall block access from doors or windows. Fences must have a clearance of at least two feet (from building walls, except where fences project from or to a building wall).
- C. Fences or walls shall not alter or impede the natural flow of water in any stream, creek, drainage swale, or ditch.
- D. A finished side shall face off site.
- E. No portion of a wall or fence constructed after [adoption date] may encroach on an adjacent property line.
- F. Pedestrian connections through fences and walls that connect to adjacent neighborhoods or other uses are encouraged.
- G. Additional wall or fence requirements applicable to a particular activity or use may be specified elsewhere in this Ordinance. Except where specifically modified (such as a specific height requirement), this Section shall take priority.

8.7.3. Fence Placement

- A. Fences or walls may not be located within the required site triangle (see Section 8.2.4).

8.7 Fences and Walls

- B. When located in the between the structure and a street, the fence or wall may be placed anywhere between the edge of the structure and the street right-of-way or easement line.
- C. Along all other boundaries, the fence may be placed anywhere between the edge of the structure and the property line.
- D. Fences may be located within a required easement, subject to any additional restrictions imposed by the easement agreement. However, the property owner shall remain solely liable for any repair or replacement if any portion of the fence is damaged during maintenance or construction activities within the easement by the easement owner or their agent.
- E. Walls may not be placed within a required easement unless specifically allowed by the easement agreement.

8.7.4. Fences

- A. The following types of fences are permitted in all zoning districts:
 - 1. Ornamental iron;
 - 2. Vinyl or similar material;
 - 3. Chain-link or woven wire (although the use of chain link fences in yards fronting on public streets is strongly discouraged); and
 - 4. Wood or similar material.
- B. In addition to the fences permitted by A., above, the following types of fences are permitted in the AG and RR zoning districts:
 - 1. Fences constructed primarily of barbed or razor wire, when specifically for the purpose of enclosing livestock. On fences topped with barbed wire, the bottom strand must be at least six feet above grade with vertical supports slanting inward away from the property line;
 - 2. Fences carrying electrical current, when specifically for the purpose of enclosing livestock;
- C. The following types of fences are prohibited in all zoning districts:
 - 1. Fences constructed primarily of barbed or razor wire, when not for the purpose of enclosing livestock.
 - 2. Fences carrying electrical current, when not for the purpose of enclosing livestock;
 - 3. Fences constructed in whole or in part of readily flammable material such as paper, cloth or canvas;
 - 4. Fences topped with barbed wire or metal spikes except those serving an institution requiring a security fence for public safety purposes;

8.7.5. Walls

- A. Walls shall be constructed of one or a combination of the following materials: stucco over concrete block, exposed aggregate concrete, brick, stone, or architectural block in a structurally safe and attractive condition.
- B. Alternative walls may be permitted with the approval of the Planning Director if such alternative walls provide a similar level of opacity to that of the listed materials and are in keeping with the architecture of the development. No walls of exposed, painted-only, plain concrete cinder block shall be permitted.
- C. No wall shall be located within any required drainage, utility or similar easement.

8.7.6. Retaining Walls

Retaining walls may be located within required yards.

8.7.7. Maintenance

Any fence or wall which, through neglect, lack of repair, type or manner of construction, method of placement or otherwise, constitutes a hazard or endangers any person, animal or property is hereby deemed a nuisance. If such conditions exist, the Planning Director shall require the owner or occupant of the property upon which the fence or wall is located to repair, replace or demolish the fence causing the nuisance.

8.8 UTILITY, DUMPSTER, RECYCLING AND TRASH HANDLING

8.8.1. Applicability

This section shall apply to all nonresidential development, multifamily development, and all campgrounds and manufactured home parks.

8.8.2. Location

All utilities (including heating or air conditioning units and other mechanical equipment) dumpsters and trash handling facilities shall be located on the same lot as the use served unless shared facilities are approved by the Planning Board. No such facilities shall be located in a required front yard.

8.8.3. Screening

All utilities (including heating or air conditioning units and other mechanical equipment) dumpsters and trash handling facilities shall be screened in conformance with Section 8.9.

8.8.4. Access

All required dumpster, recycling and trash handling facilities shall be designed with appropriate means of access to a street or alley in a manner that will least interfere with traffic movement, and will most facilitate the service of the facilities.

8.8.5. Utilization

Space allocated to any off-street dumpster, and trash handling facilities shall not be used to satisfy the space requirements for off-street parking or loading facilities, nor shall any parking or loading spaces be used to satisfy the space requirements for any dumpster or trash handling facility.

8.8.6. Performance

All food-related businesses shall provide water quality treatment to mitigate runoff from trash handling facilities.

8.9 SCREENING

8.9.1. Applicability

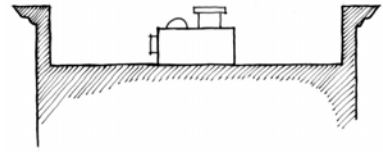
- A. The following uses shall be screened as required by this section:
 - 1. Outdoor storage and loading areas.
 - 2. Self-storage warehouses not located in an industrial district.
 - 3. Air handlers and similar mechanical equipment in multifamily or nonresidential development
 - 4. Trash handling facilities, including dumpsters and recycling
- B. The features and uses listed above need not be screened from similar features and uses on adjacent lots, except where project boundary buffers would be required pursuant to Section 9.2.2.

8.9.2. Standards

Features and uses specified above shall provide a visual obstruction from adjacent properties in conformance with the following standards:

A. Rooftop Equipment

Mechanical, HVAC, or other equipment located on the roof of a building or structure shall be screened by a permanent wall to the height of the equipment plus six inches. This may be accomplished by a parapet wall or other enclosure to obscure view of the equipment.



B. All Other Uses

1. When visible from an adjacent residential use or residentially zoned property (including across a street), the screen shall be composed of view-obscuring vegetation (used individually, or in combination with), a wall, semi-opaque fence, or berm designed to obscure views to a height of six feet from the ground, except for mechanical equipment which shall be screened to the height of the equipment plus six inches.
2. When located adjacent to any other use or zoning district, outdoor storage and mechanical equipment may be screened by chain link fencing with slats inserted to a height of six feet from the ground, except for mechanical equipment which shall be screened to the height of the equipment plus six inches.
3. One upright shrub shall be installed per four linear feet of any screen wall or fence that faces off-site. These plantings shall be placed such that they obscure the screen wall or fence and may be credited toward any plantings required elsewhere in this Ordinance.
4. Plants must be at least two feet tall at the time of installation and reach the desired height within three to five years of planting. All berms, when provided, must be covered with plant materials within three to five years.
5. All landscaping shall be maintained in accordance with Section 9.1.6, Requirements for Maintaining Planted Areas.

8.9.3. Credit for Other Landscaping

Plant material in project boundary buffers may be counted towards the requirements of this section when located to serve both functions.

8.10 PERFORMANCE STANDARDS

8.10.1. Applicability

With the exception of Bona Fide farming operations, all uses shall comply with the following performance standards.

8.10.2. Performance Standards Regulating Noise

A. Definitions

The following terms shall apply in this Section.

1. **Decibel:** A decibel is a unit of measurement of the intensity of sound (the sound pressure level).
2. **Sound Survey Meter:** A sound survey meter is an instrument standardized by the American Standards Association used for measurement of the intensity of sound, as calibrated in decibels.

3. **Impact Noise Filter:** An impact noise filter is an instrument that may be used in conjunction with the sound level meter to measure the peak intensities of short duration sounds.

B. Method of Measurement

1. For the purpose of measuring intensity of sound, the "A" scale of a General Radio Co. No. 1555-A Sound Survey Meter, or American Standards Association approved equivalent shall be used.
2. Readings shall be taken at lot lines, the meter shall be held approximately four feet above the ground. Readings closer than three feet to a wall or structure shall be avoided to lessen sound echo effect.
3. Sounds of short duration, as from forge hammers, punch presses and metal shears, which cannot be measured accurately with the sound survey meter, shall be measured with the impact noise filter as manufactured by the General Radio Company, or its equivalent, in order to determine the peak value of the impact. For sounds so measured, the allowable sound pressure levels set forth in subsection D below shall be increased by six decibels.

C. Exemptions

1. Traffic sound, sound created by emergency activities, and sound created by governmental units shall be exempt from this Section.
2. Sound created by construction or building repair shall be exempt from this Section during the hours of 7:00 A.M. to 9:00 P.M.
3. Bona fide farming operations shall be exempt from the standards of this Section

D. Sound Levels

It shall be unlawful for any person to produce sound or allow to be created or produced sound pressure levels (decibels) as follows:

1. At any residential property line – 50 Decibels.
2. At any lot line within a Commercial District, or where such district abuts an Industrial District – 62 Decibels.
3. At any lot line within an Industrial District – 70 Decibels.

8.10.3. Performance Standards Regulating Vibration

A. Definitions

The following terms shall apply in this Section.

1. **Steady State Vibrations:** Steady state vibrations are continuous earth-borne oscillations. Discrete pulses that occur more than 100 times per minute shall be considered to be steady state vibrations.
2. **Impact Vibrations:** Impact vibrations are earth-borne oscillations occurring in discrete pulses at or less than 100 per minute.
3. **Frequency:** Frequency is the number of oscillations per second of a vibration or sound.
4. **Three-Component Measuring System:** A three-component measuring system is a device for recording the intensity of any vibration in three mutually perpendicular directions.

8.10 Performance Standards**B. Method of Measurement**

1. For the purpose of measuring vibration, a three-component measuring system approved by the County Manager shall be employed.
2. Measurements shall be taken at the lot line or boundary line.

C. Maximum Permitted Steady State and Impact Vibration Displacement

	FREQUENCY (in inches)	VIBRATION DISPLACEMENT (Cycles per second)
		Steady State Impact
Less than 10	.0005	.0010
10-19	.0004	.0008
20-29	.0003	.0006
30-39	.0002	.0004
40 and over	.0001	.0002

1. Within the a Residential or Commercial Zoning District, no activity may cause or create a steady state of impact vibration displacement greater than that indicated for the frequency bands in the table above.
2. Within an Industrial Districts, no activity may cause or create a steady state or impact vibration displacement greater than that indicated for the frequency bands in the table above.

8.10.4. Performance Standards Regulating Air Pollution

- A. Any Permitted, Permissible Or Accessory Use That Emits Any Air Contaminant, As Such term is defined by N.C.G.S. 143-213, shall comply with applicable State of North Carolina standards concerning air pollution, as set forth in Article 21B of Ordinance 143 of N.C.G.S. and the N.C. Administrative Code.
- B. No Certificate of Zoning Compliance or Building Permit shall be issued with respect to any use regulated under "A" until the appropriate agency of the state has certified to the Zoning Administrator that the appropriate permits have been issued to the applicant.

8.10.5. Performance Standards Regulating Odorous Matter**A. Effluents Measurable in Cubic Feet per Minute**

In all Industrial Zoning Districts and in the Economic Development Overlay District, the emission into the atmosphere of odorous matter for which the quantity of effluent can be measured in cubic feet per minute, originating from flues, ducts, stacks, or any other type of opening from which the emission can be controlled, shall be regulated by the standards set forth in the following table. Such emission of odorous matter when collected at the lot line and diluted in tests under controlled conditions with volumes of clean air in the proportion set forth in the following table, shall be deemed detectable.

QUALITY OF EFFLUENT	REQUIRED VOLUMES OF CLEAN AIR
Cubic Feet per Minute	Proportion
10	5.7
100	4.0
1,000	2.8

10,000	2.0
100,000	1.4
1,000,000	1.0
Intermediate values not shown in the table shall be determined by linear interpolation in accordance with the following formula, in which "a" equals the quantity of effluent $(64/2a)^{1/2}$.	

B. Effluents Not Measurable In Cubic Feet per Minute

In all Industrial Zoning Districts and in the Economic Development Overlay District, the emission into the atmosphere of odorous matter, for which the quantity of effluent cannot be measured in cubic feet per minute, and which originates from sources including, but not limited to, junkyards, process wastes, or open plant operations shall be so controlled as not to be detectable at or beyond the boundary of any residential or commercial District.

- C. In addition to such limits, the presence of odorous matter in such quantities as to be readily detectable at any point along lot lines or to produce a public nuisance or hazard beyond lot lines is prohibited.

8.10.6. Performance Standards Regulating Toxic or Noxious Matter**A. Definitions**

Toxic or noxious matter, for the purpose of this section is defined as any solid, liquid, or gaseous substances, including but not limited to gases, vapors, dusts, fumes, and mists containing properties which, by chemical means are:

1. Inherently harmful and likely to destroy life or impair health, or
2. Capable of causing injury to the well-being of persons or damage to property.

B. Method of Measurement

For the purpose of measuring the density of mineral dusts, the light field low-power method (described in U.S. Public Health Report 47, No. 12, pps. 669-672, March 18, 1932), or its equivalent, shall be used, and a standard type impinger, or its equivalent, shall be employed for taking atmospheric dust samples.

C. General Control Over Toxic or Noxious Matter

The emission of such matter shall be so controlled that no concentration of such matter, at or beyond the lot line, shall be detrimental to or endanger the public health, safety comfort, and other aspects of the general welfare, or cause injury or damage to property.

8.10.7. Performance Standards Regulating Humidity, Heat or Glare

- A. In all areas of the County except those located in an Industrial Zoning District, any activity producing humidity in the form of steam or moist air, or producing heat or glare shall be conducted in such a manner that the steam, humidity, heat, or glare are not perceptible or measurable at any lot line.
- B. Any activity located within an Industrial Zoning District, any activity producing humidity in the form of steam or moist air, or producing heat or glare shall be conducted in such a manner that the steam, humidity, heat, or glare are not perceptible at or beyond the District boundary.

8.10.8. Performance Standards Regulating Electromagnetic Interference

No use, activity, or process shall be conducted therein which produces electromagnetic interference with normal radio or television reception.

ARTICLE 9. LANDSCAPING AND BUFFERING

COMMENTARY: There are three basic types of landscaping that may be required for any project. They include (1) project boundary buffers, (2) street buffers (which may include project boundary buffers or vehicular use area landscaping) and (3) vehicular use area landscaping. Each is further described below.

Editor's note: Insert graphic

9.1 GENERAL

9.1.1. Intent

Buffers are designed to protect adjoining land uses, particularly residential, from the noise, heat, dust, lights, and aesthetic impacts from more intense land-uses. The more intense land use shall be required to provide the buffer as part of its yard requirements. The following requirements shall be met for buffers and the yards in which buffers are required:

9.1.2. Applicability

The landscaping and buffering requirements found in this Section shall apply to all development within Brunswick County with the exception of bona fide farming activities and the construction of one or two single-family or two-family households.

Commentary: Vehicular Use Area Landscaping may also be required for off street parking or loading areas. See Section 8.1.10 for more information.

9.1.3. Landscape Plan Required

- A. A landscape plan shall be submitted in conjunction with a required site plan.
- B. A registered Landscape Architect or other expert with experience in landscape design shall prepare all landscape plans, except where expressly exempted by the Planning Director. The landscape plan shall adequately detail the requirements of this Section.

9.1.4. Existing Vegetation

A. General

The retention of "existing vegetation" shall be maximized within the proposed landscaping, parking and buffer areas. When retaining existing vegetation within the buffer area, only clearing methods that do not disturb the root structure shall be allowed within the dripline of tree canopies. Existing native habitat or plant material located within the proposed landscaping or buffer area that meets the requirements of these regulations may be counted toward the total buffer required between adjacent land uses, or toward total landscaping requirements. If the existing vegetation has been counted toward the total required buffer or landscaping and is subsequently removed or dies, it shall be replaced with the appropriate buffer or landscaping material.

B. Heritage Trees

1. For purposes of this Ordinance, a heritage tree shall be any tree species included in the planting table (see Sec.9.1.5.D.1) with a trunk caliper measurement of 24" or greater measured at four feet above ground.
2. With the exception of clearing required for required driveways, the retention of heritage trees within a proposed landscaping or buffer area shall be required. The Planning Director shall have the authority to permit the selective removal of heritage trees on a case by case basis.
3. The preservation of heritage trees located on the interior of the lot is encouraged, but shall not be required.

C. Credit for Existing Vegetation

In order to encourage the preservation of established vegetation, credit shall be given for preservation within the proposed buffer or other required landscaping areas on a one-for-one basis. In limited cases, the Planning Director may allow the applicant to count established vegetation located outside of the required planting area towards the landscaping requirement.

D. Clear-Cutting**1. With Forestry Activities**

Properties should not be clear-cut during the conduct of forestry or silvicultural activities. To maintain the visual character of the site from adjoining properties and right-of-way, a vegetated perimeter buffer shall be maintained while tree harvesting for forestry occurs. A 100-foot wide buffer of naturally existing vegetation shall be maintained along all boundaries of the property being forested that adjoin other properties. Along public rights-of-way, a 660-foot buffer of naturally existing vegetation shall be maintained, exclusive of areas required for access to the site.

2. Prior to Development

Properties shall not be clear-cut prior to undertaking development activities. Along public rights-of-way, a 660-foot buffer of naturally existing vegetation shall be maintained, exclusive of areas required for access to the site. Site plans proposing development of properties that failed to maintain such a buffer prior to development may be denied for a period of up to five years from the date of clearing.

3. During Development

Properties shall not be clear cut while undertaking development activities. The preservation of the maximum amount of existing vegetation and selective removal of existing trees throughout the site is strongly encouraged during project design and construction.

9.1.5. Design of Landscaping and Buffers**A. Design, Installation and Establishment Standards**

Location of plants and design of landscaping, including maintenance, shall be according to sound landscape and horticultural principles. The use of native vegetation and other lower maintenance landscape materials is desired to promote environmental protection, energy efficiency, and water conservation.

1. Landscape plans submitted for approval for the purposes of satisfying the requirements of this Section shall clearly indicate the name, location, and size of vegetation to be installed as well as trees to be preserved.
2. Plant material should be chosen from the lists of recommended plant species contained within this Section, and shall adhere to the minimum specifications therein. Plant materials shall be reviewed for suitability with regard to the eventual size and spread, susceptibility to diseases and pests, and appropriateness to existing soil, climate and site conditions.

B. Issuance of Certificate of Occupancy

A permanent certificate of occupancy shall not be issued, until all seeding, trees, and plant material have been placed in accordance with the approved site plan and requirements of this section. A temporary certificate of occupancy may be issued for a period of 120 days under circumstances that would affect the seeding and planting of the site, or until the proper planting season is reached to complete the landscaping requirements, and may be extended up to 90 days upon request to the Planning Director.

9.1 General

C. Cold Hardy and Drought Tolerant Plants

Required trees and shrubs shall be cold hardy for the specific location where they are to be planted. Trees and shrubs shall be drought tolerant and able to survive on natural rainfall once established with no loss of health.

D. Plant Material and Minimum Plant Size

The following list shall be used as a guide in identifying and categorizing the different acceptable types and minimum sizes for any required plant. Although the lists may be expanded, they are intended to provide guidance in selecting predominately hardy natural species. All materials shall be of high-quality nursery grade

1. Trees

i. Canopy Trees

Canopy trees shall be of a species having an average minimum height of 15 feet and a minimum mature crown spread of 20 feet. At the time of planting, the tree shall have a minimum caliper of two inches measured at four feet above ground.

ii. Understory Trees

Understory trees shall be of a species having an average minimum height of eight feet and a minimum mature crown spread of 12 feet. At the time of planting, the tree shall have a minimum caliper of two inches measured at four feet above ground.

Common Name	Botanical Name	Common Name	Botanical Name
American holly	<i>Ilex opaca</i>	Ironwood	<i>Ostrya virginiana</i>
American hornbeam	<i>Carpinus caroliniana</i>	Kousa dogwood	<i>Cornus kousa</i>
Bradford pear	<i>Pyrus calleryana Bradfordi</i>	Kwanzan cherry	<i>Prunus serrulata kwanzan</i>
Capital pear	<i>Pyrus calleryana 'Capital'</i>	loquat	<i>Eriobotrya japonica</i>
Carolina cherry laurel	<i>Prunus caroliniana</i>	Purpleleaf plum	<i>Prunus cerasifera pissardii</i>
Carolina silverbell	<i>Halesia carolina</i>	Redspire pear	<i>Pyrus calleryana 'Redspire'</i>
Chinese witch-hazel	<i>Hammamelis mollis</i>	russian olive	<i>Eleganus angustifolia</i>
Eastern redbud	<i>Cercis canadensis</i>	Saucer magnolia	<i>Magnolia soulangeana</i>
European hornbeam	<i>Carpinus betulus</i>	Savannah holly	<i>Ilex x attenuata savannah</i>
Flowering crapapple	<i>Malus floribunda</i>	Sourwood	<i>Oxydendrum arboreum</i>
Flowering dogwood	<i>Cornus florida</i>	Star Magnolia	<i>Magnolia stellata</i>
Foster holly	<i>Ilex Fosteri</i>	Washington hawthorne	<i>Crataegus phaenopyrum</i>
Golden rain-tree	<i>Koelreutaria paniculata</i>	Weeping cherry	<i>Prunus subhirtella pendula</i>
Hedge maple	<i>Acer campestre</i>	Yoshino cherry	<i>Prunus yedoensis</i>
Hume holly	<i>Ilex opaca hume</i>		

2. Shrubs

Shrubs shall have a minimum mature height of 24 inches.

Common Name	Botanical Name	Common Name	Botanical Name
Glossy abelia	<i>Abelia grandiflora</i>	Hetzi jumper	<i>Jumperus chinensis hetzi</i>
Japanese aucuba	<i>Aucuba japonica</i>	Laurel	<i>Laurus nobilis</i>
Glenn dale azalea	<i>Azalea hybrida</i>	Japanese privet	<i>Ligustrum japonicum</i>
Indian azalea	<i>Azalea indica</i>	Glossy privet	<i>Ligustrum lucidum</i>
Kaempferi azalea	<i>Azalea obtusum Kaempferi</i>	Vicary golden privet	<i>Ligustrum vicaryi</i>

Common Name	Botanical Name	Common Name	Botanical Name
Hedge bamboo	<i>Bambusa multiplex</i>	Loropetalum	<i>Loropetalum chinese</i>
Wintergreen barberry	<i>Berberis julianae</i>	Leatherleaf mahonia	<i>Mahonia bealei</i>
Japanese barberry	<i>Berberis thunbergii</i>	Wax myrtle	<i>Myrica cerifera</i>
Camellia	<i>Camellia japonica</i>	Nandina	<i>Nandina domestica</i>
Sasanqua Camellia	<i>Camellia sasanqua</i>	Fortune tea olive	<i>Osmanthus fortunei</i>
Flowering quince	<i>Chaenomeles speciosa</i>	Fragrant tea olive	<i>Osmanthus fragrans</i>
Cleyera	<i>Cleyera japonica</i>	Holly osmanthus	<i>Osmanthus heterophyllus</i>
Winged euonymus	<i>Euonymus alatus</i>	Curly leaf tea olive	<i>Osmanthus heterophyllus rotundifolius</i>
Evergreen euonymus	<i>Euonymus japonicus</i>	Fraser photinia	<i>Photinia fraseri</i>
Eleagnus	<i>Eleagnus pungens</i>	Chinese photinia	<i>Photinia serrulata</i>
Forsythia	<i>Forsythia intermedia</i>	Mountain andromeda	<i>Pieris floribunda</i>
Witch-hazel	<i>Hammamelis virginiana</i>	Japanese andromeda	<i>Pieris japonica</i>
Oakleaf hydrangea	<i>Hydrangea quercifolia</i>	Pittosporum	<i>Pittosporum tobira</i>
English holly	<i>Ilex aquifolium</i>	English laurel	<i>Prunus laurocerasus</i>
Chinese holly	<i>Ilex cornuta</i>	Podocarpus	<i>Podocarpus macrophyllus maki</i>
Burford holly	<i>Ilex cornuta burfordi</i>	Narrow leafed english laurel	<i>Prunus laurocerasus angustifolia</i>
Dward burford holly	<i>Ilex cornuta burfordi nana</i>	Scarlet firethorn	<i>Pyracantha coccinea</i>
Convex japanese holly	<i>Ilex crenata 'convexa'</i>	Yeddo-hawthorn	<i>Raphiolepis umbellata</i>
Hetzi japanese holly	<i>Ilex crenata 'hetzi'</i>	Reves spirea	<i>Spirea cantoniensis</i>
Roundleaf japanese holly	<i>Ilex crenata 'rotundifolia'</i>	Thunberg spirea	<i>Spirea thunbergi</i>
Emily brunner holly	<i>Ilex "Emily Brunner"</i>	Bridalwreath spirea	<i>Spirea prunifolia plena</i>
Inkberry holly	<i>Ilex glabra</i>	Vanhoutte spirea	<i>Spirea vanhouttei</i>
Lusterleaf holly	<i>Ilex latifolia</i>	Japanese yew	<i>Taxus cuspidata</i>
Perny holly	<i>Ilex pernyi</i>	Leatherleaf viburnum	<i>Viburnum rhytidophyllum</i>
Yaupon holly	<i>Ilex vomitoria</i>	Laurestinus viburnum	<i>Viburnum tinus</i>
Pfitzer jumper	<i>Jumperus chinensis pfitzeriana</i>		

E. Minimum Planting Areas

1. Canopy trees shall have a planting area no less than 10 feet wide in all dimensions.
2. Understory trees shall have a planting area no less than eight feet wide in all dimensions.
3. When planted as a hedge, the maximum spacing for 20-inch high shrubs shall be 40 inches on center.
4. These requirements may be modified administratively by the Planning Director.

F. Mulch

Plants shall be mulched to provide ground cover and prevent water loss due to evaporation. Where selected plant material is not tolerant of deep mulch, a specific note regarding shallower mulch shall be set forth on the final landscape plan and approved by the County as part of the landscape plan. Mulch shall be kept away from tree trunks.

9.1.6. Requirements for Maintaining Planted Areas

A. Responsibility

The responsibility for maintenance of a required buffer or other landscaping shall remain with the

9.1 General

owner of the property, his or her successors, heirs, assignees or any consenting grantee. Maintenance is required in order to ensure the proper functioning of the plantings as a landscaped area which reduces or eliminates nuisance and/or conflict.

B. Maintenance

1. All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, mulching, fertilizing and pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
2. Necessary pruning and trimming shall be in accordance with the American National Standards for Tree Care Operations: Tree Shrub and Other Woody Plant Maintenance – Standards Practices (Pruning), and shall not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures such as *lollipoping* or *meatballing* that cause irreparable harm to the natural form of the tree, except where such procedures are necessary to maintain public overhead utilities. Any such activity shall be a violation of these zoning regulations.
3. Dead or diseased plantings shall be removed. Unless specifically exempted (such as Understory Trees shaded by Canopy Trees), replacement plantings shall be provided for any required plants which die or are removed for any reason and shall meet all minimum standards and conform to these regulations.
4. Natural water courses within a buffer shall be maintained in a natural condition consistent with any applicable regulations.
5. A water source shall be supplied within 100 feet of any planting requiring continuing watering. Where non-native or non-drought tolerant native vegetation is incorporated in the buffer, an irrigation system shall be required.
6. Landscape structural features such as walls, fences, berms or water features shall be maintained in a structurally safe and attractive condition.
7. Where other uses, including pedestrian, bike or other trails, are allowed within a buffer, these uses shall be maintained to provide for their safe use.

C. Failure to Maintain

In the event that any owner of a buffer area or vehicular use landscaping area fails to maintain same according to the standards of these regulations, these regulations shall be enforceable by the County with the right to recover the cost of enforcement, including reasonable attorney fees. The County may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the buffer area to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the buffer area.

D. Hardship Relief

The buffer requirement may be modified by the Planning Director upon a finding that a modification would be consistent with the purpose and intent of this Article, with any adopted land use plans, that such modification would not adversely affect the land use compatibility or public interest, and complies with one or more of the following criteria:

1. The affected buffer is parallel and adjacent to an existing utility or drainage easement of at least 100 feet in width;
2. The affected buffer is between uses that are to be developed under a common development plan or series of development plans; or

3. The affected buffer is adjacent to a property that has a joint use agreement with the parcel under site plan.

9.2 REQUIRED BUFFERS

9.2.1. Buffer Defined

A buffer is a specified land area, located parallel to and within the outer perimeter of a lot or parcel and extending to the lot or parcel boundary line, together with the planting and landscaping required on the land. A buffer may also contain, or be required to contain, a barrier such as a berm, fence or wall, or combination thereof, where such additional screening is necessary to achieve the desired level of buffering between various land use activities. A buffer is not the same as the term "yard" or the term "stormwater management area."

9.2.2. Types of Required Buffers

There are two types of required buffers that may occur on any given development site, as follows.

- A. Street buffers; and

Commentary: Generally, a street buffer is located along the street(s) that border a development. The buffer requires a modest amount of landscaping, enhancing the "public" environment.

- B. Project boundary buffers.

Commentary: Generally, a project boundary buffer is located around the sides and rear of a development. This buffer ensures an appropriate transition between uses.

9.2.3. Location

- A. Buffers shall be located within the outer perimeter of a lot or parcel, parallel to and extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated or reserved public or private street or right-of-way.
- B. Buffers may be located and constructed within any required yard.

9.2.4. Permitted Use of Buffer Area

- A. A buffer may be used for passive recreation and picnic facilities; and it may contain pedestrian, bike, or equestrian trails, provided that:
 1. Minimal existing plant material is eliminated;
 2. The total depth of the buffer is maintained; and
 3. All other requirements of these regulations are met.
- B. Other appurtenances which require high visibility and easy access, such as fire hydrants, public and emergency telephones, mail boxes, and school bus or other bus shelters or benches, are also permitted in a buffer. No screening of such appurtenances is required.
- C. A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater detention/retention facilities designed as a natural-appearing amenity. However a minimum 10-foot contiguous width of the buffer shall be preserved as a planting area without stormwater facilities.
- D. Ingress and egress to the proposed use, and utility lines and appurtenances, may cross the buffer provided they minimize the amount of buffer taken.
- E. The buffer area may be included as part of the calculation of any required open space.

Article 9 Landscaping and Buffering

9.2 Required Buffers

- F. Identification signs may be located within a buffer as specifically permitted in the Sign Ordinance. The landscape buffer shall be designed to address visibility of permitted ground signs.
- G. Lighting may be located within a buffer as specifically permitted in Section 8.5, Outdoor Lighting.
- H. Other activities and development required by this Ordinance or expressly authorized by the Planning Director.

9.2.5. Prohibited Use of Buffer Area

A buffer area shall not be used for any building or use, accessory building or use, parking or loading area, storage area, or other principal or accessory uses except as specifically permitted in this Ordinance.

9.2.6. Planting in Easements

- A. Where required plantings are located in easements, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their removal.
- B. No trees shall be planted in wet retention ponds, drainage maintenance easement, or any utility maintenance easements.
- C. Shrubs may be planted within easements, provided they are only within the outer three feet of the easement. No new trees may be planted in an easement.
- D. Existing trees may remain in dry retention ponds provided that the natural grade is undisturbed to the tree line, they are a species adapted to seasonal flooding and the pond is adequately maintained.

9.2.7. Determination of Buffer Requirements

To determine the type of buffer required between two adjacent lots or parcels, or between a lot or parcel and a street, the following procedure shall be followed:

A. Street Buffers

Determine the appropriate street buffer based on Section 9.2.8.

B. Project Boundary Buffers

Identify the zoning districts of the subject parcel and all adjacent properties. Determine the buffer opacity class required on each boundary (or segment thereof) of the subject parcel. Refer to the minimum project boundary buffer table in Section 9.2.9.

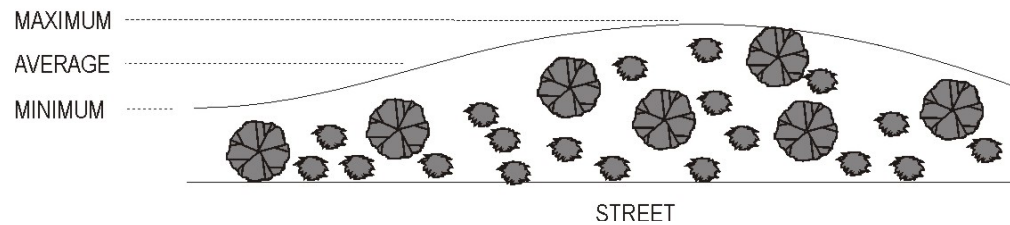
9.2.8. Street Buffers

The following types of street buffers shall be required. No vegetation or fence shall interfere with a required clear sight triangle at a driveway or intersection (See Section 8.2.4). Berms constructed in accordance with Section 9.2.10.B, Berms with Vegetation, are encouraged as a component of any street buffer and the Planning Director may allow up to 25% reduction in the required buffer depth with a berm.

A. Measurements

1. Street buffers shall be measured along a perpendicular line from the future right-of-way line determined during site and development plan review. Buffer depth averaging may be used in conformance with paragraph 5, below.
2. Required driveways may penetrate required street buffers.
3. Driveway widths (measured at the inside edge of the buffer) shall not be counted in the calculation of the plant material required.

4. Vehicular access easements shall not be treated as a street, but shall be buffered as a project boundary buffer outside the easement area. The buffer may be provided on either side of the easement.
5. While the buffer depth is normally calculated as parallel to the property line, design variations are allowed and are calculated on the average depth of the buffer per 100 feet of linear width measured along the property line. Minimum depth of buffer in any case shall not be less than 50% the required depth of the buffer chosen. Maximum depth shall not be more than 150% the required depth of the buffer chosen.



B. Collector or Thoroughfare Street Buffers

All development located along either a collector or thoroughfare street shall be required to provide one of the following buffers along the entire street frontage.

1. Three canopy trees per 100 linear feet of property frontage, located within a twenty-foot landscape buffer; OR
2. Two canopy trees and two understory trees per 100 linear feet of property frontage, located within a twenty-foot landscape buffer; OR
3. Under utility lines only, four understory trees per 100 linear feet of property frontage, located within a 20-foot landscape buffer. No trees under utility lines shall have a natural height over 25 feet.

C. Local Street Buffers

With the exception of one- or two-family dwellings on a single lot or parcel, all development across a local street from a Residential district or use shall require a buffer with a minimum opacity of .2 (see Section 9.2.9.A.2, Measurements) and a depth of 15 feet.

9.2.9. Project Boundary Buffers

Commentary: Project Boundary Buffers ensure a landscaped transition between different types of uses and/or zoning districts. At first glance, the following method may seem complicated. In reality, this is a fairly easy approach to implement. A few simple steps will provide the total amount of plants that are required to be in a buffer as well as the buffer depth.

This approach also addresses the following criticisms that are raised when the County requires buffers and landscaping.

1. What about unusual site circumstances? The table provides a number of alternative approaches to achieving the requirements.
2. Why do I have to put all the plants in- the lot next to me is vacant? This approach anticipates this type of situation. The initial developer will have a reduced buffer requirement.
3. What if I want to put in a narrower buffer? The developer may select Alternative 3, Canopy and Wall or may install a berm. This will allow the developer to reduce the buffer depth while still providing appropriate screening.
4. There are already plants there- why do I have to put in new plants? Credit is given for existing plants (that meet a minimum size requirement) on a one-for-one basis.

A. Required Project Boundary Buffer Table

1. Description

- i. The buffer standards in the table below address the opacity of the buffer that is required on the property boundary between zoning districts, and in some instances within a zoning district.
- ii. An opacity of 0.2 screens 20% of an object, and an opacity of 1.0 would fully screen the adjacent development during summer months after five years of growth.

2. Measurements

Project boundary buffers shall be measured along a perpendicular line from the lot line.

3. How to Read the Buffer Table

- i. The required opacity of project boundary buffers is represented in the Table below by two numbers (for example, .2/.6).
- ii. The second number represents the total required buffer opacity between any two properties.
- iii. Where the proposed project is located adjacent to vacant property, the first number represents the applicant's required buffer opacity.
- iv. Where the adjacent property is already developed with no buffer, the proposed project is responsible for providing the total required opacity (the second number).
- v. Where the adjacent property is already developed with a partial buffer, the proposed project is responsible for providing the remaining opacity required.
- vi. A zero means no project boundary buffer is required.

		ZONING DISTRICT of ADJACENT PROPERTY					
		Agricultural and Rural Residential	R-7500 and R-6000	MR-3200 and C-N	C-I	C-LD and I-RU	I-G
ZONING DISTRICT of SUBJECT PROPERTY	Agricultural and Rural Residential	0/0	.2/.2	.4/.6	.2/.8	.2/.8	.2/1.0
	R-7500 and R-6000	.2/.2	.0/.0	.2/.4	.2/.6	.2/.6	.2/1.0
	MR-3200 and C-N	.4/.6	.2/.4	0/0	.2/.6	.2/.6	.2/1.0
	C-I	.6/.8	.4/.6	.4/.6	.2/.4	.2/.4	.2/1.0
	C-LD and I-RU	.6/.8	.4/.6	.4/.6	.2/.4	0/0	.2/1.0
	I-G	.8/1.0	.8/1.0	.6/1.0	.6/1.0	.4/.6	.2/.2

COMMENTARY: A .2/.4 requires a 20% opaque buffer for property adjacent to vacant land or a 40% opaque buffer when adjacent to existing development. . A .4/.4 requires a 40 percent opaque buffer property adjacent to either vacant or developed land. A zero means no project boundary buffer is required.

EXAMPLE: A new development in the C-I District abutting a developed R-7500 District would be required to provide a buffer with an opacity of .6 (60% opaque) If the adjacent property were vacant, the requirement would be .4 since the adjacent property is vacant.

9.2 Required Buffers

B. Buffer Alternatives

1. The table below shows the required buffer depth (average) and plantings required for a project boundary buffer to satisfy the required opacity.

MINIMUM REQUIRED PROJECT BOUNDARY BUFFER			
Buffer Depth and Plants Required Per 100 Lineal Feet			
Required Opacity	Alternative 1	Alternative 2	Alternative 3 Plantings + 6-Foot Wall
0.2	10 feet 1 canopy 1 understory 7 shrubs	10 feet 1 canopy 2 understory 3 shrubs	Not available
0.4	20 feet 2 canopy 4 understory 25 shrubs	20 feet 2 canopy 6 understory 9 shrubs	Not available
0.6	30 feet 3 canopy 6 understory 34 shrubs	30 feet 3 canopy 8 understory 13 shrubs	15 feet 3 canopy 0 understory 6 shrubs
0.8	50 feet 5 canopy 7 understory 43 shrubs	50 feet 4 canopy 10 understory 17 shrubs	25 feet 5 canopy 0 understory 9 shrubs
1.0	80 feet 5 canopy 8 understory 49 shrubs	80 feet 4 canopy 11 understory 19 shrubs	40 feet 5 canopy 0 understory 9 shrubs
Note: When Alternative 3 is selected, the wall must be designed in conformance with Section 8.7.5, Walls, and Section 9.2.10, Walls, Berms, and Fences within Buffers.			

Commentary: Suppose you are required to install a buffer with an opacity of 0.6 and you elect to use Alternative 1. Your buffer would have to be 30 feet deep (on average) and you would have to plant 3 canopy trees, 6 understory trees, and 34 shrubs for every 100 feet of buffer length.

2. When proposed residential units adjoin a bona fide farming activity in a Voluntary Agricultural District, the minimum buffer depth shall be 50 feet, with a minimum opacity of 0.2.

9.2.10. Walls, Berms and Fences in Buffers

Where walls, berms or fences are built within any required buffer, they shall meet the following requirements.

A. Walls

1. All walls, when located within a buffer, shall be planted along the exterior face of the wall with at least one upright shrub for every six feet of linear wall length. These shrubs may be counted towards meeting the opacity requirement for the buffer.

2. Where shrubs are planted adjacent to a wall, the minimum distance between the wall and the property line shall be four feet.
3. A finished side of the wall shall face off site.
4. The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall structure at the time of landscape plan approval.

B. Fences

1. Fencing shall be between six to ten feet in height.
2. No reduction in buffer width shall be provided based on the provision of a fence.
3. If fencing is used, required shrubs shall have a minimum height of three feet at initial planting, and shall be placed along the exterior face of the fence. At least one upright shrub shall be required for every six linear feet of fence length.
4. A finished side of the fence shall face off site.
5. Fences shall be maintained in a structurally safe and attractive condition and with finished faces and plantings located towards the adjacent property.

C. Berm with Vegetation

1. The Planning Director may allow a reduction of up to 25% of the required buffer depth when a berm meeting these requirements is provided.
2. An earthen berm may be used in conjunction with planted vegetation provided that the combined height of the berm and planted vegetation shall be at least six feet and provide approximately 75% opacity within one year of planting.
3. The slope of the berm shall be stabilized with vegetation and no steeper than 3:1. The height of the berm may not exceed six feet, with a level or rounded area on top of the berm. The berm shall be constructed of compacted earth.
4. Prior to issuance of the first certificate of compliance, berms shall be planted to ensure coverage by live plant material within three to five years.

ARTICLE 10. SUBDIVISION STANDARDS

10.1 APPLICABILITY OF ARTICLE

- 10.1.1.** This Article shall apply to all development within the County's planning jurisdiction.
- 10.1.2.** Each subdivision of land shall meet the minimum standards of design and contain the improvements required by this article. Land may be dedicated and reserved in subdivisions and the required improvements shall be paid for by the subdivider or developer.

10.2 SUITABILITY OF LAND

- 10.2.1.** Land which has been determined by the County staff on the basis of engineering or other expert surveys, to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions.
- 10.2.2.** Areas that have been used for disposal of solid waste shall not be subdivided.
- 10.2.3.** Subdivision proposals shall be consistent with the need to minimize flood damage.

10.3 NAME DUPLICATION

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Brunswick County.

10.4 SUBDIVISION DESIGN

10.4.1. Access

New subdivisions shall comply with the requirements of Section 8.2, Access.

10.4.2. Blocks

- A. The lengths, width, and shapes of blocks shall be determined with due regard to; provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
- B. Generally, blocks shall have sufficient width to allow two tiers of lots of minimum depth except where single tier lots are required to separate residential development from through-vehicular traffic or another type of use in non-residential subdivisions; or where abutting a water area.
- C. The Planning Board may require the construction of a pedestrian crosswalk at least 15 feet in width to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious, or transportation facilities.
- D. Block numbers shall conform to the County street numbering system, if applicable.

10.4.3. Lots

- A. Lots in new subdivisions shall conform to dimensional regulations of the district in which the subdivision is located and any other dimensional requirements that may be imposed by additional regulations.
- B. Double frontage lots should be avoided

10.4 Subdivision Design

10.4.4. Street Lighting

The developer shall install street lights in all subdivisions of 20 lots or more, as regulated by the appropriate utility company. If a project is to be developed in phases and the master plan indicates a final buildout of more than 25 lots, the entire subdivision is required to have street lights.

Editor's note: owner installed individual street lights.

10.4.5. Easements

- A. Utility and drainage easements shall be approved by the Director of Engineering Services.
- B. Utility and drainage easements shall be provided and shall be at least 20 feet wide. Drainage easements should be centered on rear or side lot lines where possible.
- C. Where a subdivision is traversed by a water course, drainageway, drainage tile, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

10.4.6. Wetlands

Ecologically sensitive lands, such as marsh, Carolina Bays, pocosins and swamps, when in the ownership of the owner/applicant, should be preserved whenever possible for the public interest.

10.4.7. Open Space

Open space shall be provided for all residential subdivisions in accordance with 6.7.6, Conventional Subdivision and/or 6.7.8.B, Alternative Subdivision.

10.4.8. Utilities

All affected utility companies shall be provided with copies of the plat by the subdivider and be expected to work with the developer in designing the utilities plan for the subdivision.

10.4.9. Street Connectivity Requirements

An interconnected street system is necessary in order to promote orderly and safe development by ensuring that streets function in an interdependent manner, provide alternative paths of evacuation in the event of a natural or man-made disaster, provide adequate access for emergency and service vehicles, enhance access by ensuring connected transportation routes, and provide continuous and comprehensible traffic routes.

A. External Access Required

- 1. External access to development shall be provided as indicated below. In determining the number of access points that shall be required, the cumulative impacts of prior developments on the roads shall be considered.
 - i. For developments with 90 or fewer lots, at least one point of access to the roadway network shall be provided.
 - ii. For developments with between 91 and 120 lots, at least two points of access to the roadway network shall be provided.
 - iii. For developments with more than 120 lots, at least three points of access to the roadway shall be provided.
 - iv. For developments with more than 300 lots, the Planning Board may specify that more than three points of access shall be provided. These additional points of access may provide access restrictions in the form of an electronically-controlled gate that may be opened by emergency responders via radio-frequency control.
- 2. A divided entrance shall count as one point of access.

3. The Planning Board may approve variations in the requirements of this section when additional access points are precluded in the following circumstances:
 - i. If the only additional access points available would require crossing floodplains, steep slopes, or other similar natural features; or,
 - ii. When the existing development pattern precludes additional access points and fewer units than would otherwise be allowed would be out of character with the surrounding development.

10.5 STREETS

10.5.1. Street Classification

- A. In all new subdivisions, streets that are dedicated to public use shall be classified as provided in this Section.
 1. The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;
 2. The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive;
 3. Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.
- B. The classification of streets shall be as follows:
 1. **Alley.** A vehicular way used for providing service access along rear or side property lines of lots which are also served by one of the other listed street types. Alleys are not intended to accommodate through traffic.
 2. **Minor.** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units or expected to or does handle up to 75 trips per day.
 3. **Local.** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least 10 but no more than 25 dwelling units or expected to or does handle between 75 and 200 trips per day.
 4. **Cul-de-sac.** A street that terminates in a vehicular turnaround.
 5. **Subcollector.** A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least 26 but not more than 100 dwelling units and is expected to or does handle between 200 and 800 trips per day.
 6. **Collector.** A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day.
 7. **Arterial.** A major street in the county's street system that serves as an avenue for the circulation of traffic into, out, or around the county and carries high volumes of traffic.

10.5 Streets

8. **Marginal Access Street.** A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.
9. **Thoroughfare.** A street serving the principal network for high volumes of traffic or high speed traffic as shown on the County Transportation Plan. This street type consists of at least two travel lanes in each direction. A thoroughfare shall be designated where the anticipated average daily volume exceeds 5,000 vehicles. Residences should not front on a major thoroughfare.

10.5.2. General Standards

- A. Road widening and right-of-way dedication shall be consistent with the recommendations of the adopted County or NCDOT Transportation Plan
- B. The proposed street layout in new development shall be coordinated with the existing street system with connections made at all stub outs. Where no full connection can be made as a result of the topography of the site being developed, the developer may install a cul-de-sac bulb or other turnaround facility.
- C. All public streets shall be built to the standards of this Ordinance and all other applicable standards of the County and the NCDOT.
- D. Streets which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be constructed in accordance with the standards in this Ordinance or the standards necessary to be put on the State Highway System, whichever is stricter, so as to be eligible to be put on the system at a later date. A written road maintenance agreement with provisions for maintenance of the street until it is put on the State system shall be included in the final plat.
- E. **Subdivision Street Disclosure Statement**
All public streets shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into the State system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.
- F. **Marginal Access Streets**
Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.
- G. **Access to Adjacent Property**
Where, in the opinion of the Planning Director, or Planning Board, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn-around provided.

10.5.3. Nonresidential Streets

The subdivider of a nonresidential subdivision shall provide streets in accordance with F-4 of the North Carolina Roads, Minimum Construction Standards, July 1, 1985, or current standards, and the standards in this Ordinance, whichever are stricter.

10.5.4. Design Standards

- A. **General**
The design of all public streets and roads within the jurisdiction of this Ordinance shall be in

accordance with the accepted policies of the N.C. Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) Manuals. The N.C. Department of Transportation, Division of Highway's Subdivision Roads Minimum Construction Standards, July 1, 1985, or current standards, and County design standards.

B. Minimum Right-of-Way

1. Public Streets

- i. Right-of-Way widths may not be less than the following and apply except in those cases where right-of-way requirements have been specifically set out in the thoroughfare plan.

Editor's notes: table to be revised. Street turning radii and widths at intersections to be revised.

Street Classification	Rural			Urbanized		
	ROW	Sidewalk?	Bike Lane?	ROW	Sidewalk?	Bike Lane?
Principal Arterial Freeways	350		No	?		
Other	200		No	90		Yes
Arterial/Thoroughfare	100		Yes	70	Both Sides	Yes
Collector	100	One Side	Yes		Both Sides	Yes
Subcollector	50	One Side	No		Both Sides	Yes
Local Road/Street	45	One Side	No	45	One Side	
Cul-de-sac		One Side		45	One Side	
Alley				20		

- ii. The subdivider is only required to dedicate up to 100 feet of right-of-way. In cases where over 100 feet of right-of-way is desired, the subdivider will be required only to reserve the amount in excess of 100 feet in width. In all cases in which right-of-way is sought for an access-controlled facility, the subdivider will only be required to make a reservation.

2. Private Streets

i. Private Road Types Defined

- (a) **Type II Roads:** Private roads serving between six and ten lots in total.
- (b) **Type III Roads:** Private roads serving more than ten lots in total.

ii. Standards

- (a) Existing private roads shall meet NCDOT Minimum Construction Standards for Subdivision Roads except for paving. Existing private roads shall be dedicated to a homeowner's association, prior to further subdivision.
- (b) All new private roads shall be constructed to meet all NCDOT Minimum Construction Standards for Subdivision Roads. All private roads shall be paved.
- (c) All private roads shall be dedicated to a property owners association, and comply with the following, prior to approval of the final plat:
 - (1) The property owners association shall be established before the lots are sold.
 - (2) Membership in the association shall be mandatory for each lot buyer and all successive buyers.
 - (3) The association shall be responsible for the maintenance and upkeep of the private street or road.

10.5 Streets

- (4) Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property which shall be subordinate to tax and mortgagee liens.
- (5) Owners of each lot shall have voting rights in the association.
- (6) The following information shall also be provided:
 - i. The name and address of the association.
 - ii. The manner in which directors of the association are to be selected.
 - iii. The post office address of the initial registered office.
 - iv. The name of the city and county in which the registered office is located.
 - v. The number of director's constituting the initial board of directors.

C. Intersections

- 1. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than 60 degrees.
- 2. Offset intersections are to be avoided unless an exception is granted by NCDOT. Intersections which cannot be aligned should be separated by a minimum length of 200 feet between survey centerlines.
- 3. Intersections with arterials, collectors, and thoroughfares, shall be at least 1,000 feet from center line to center line. Greater separation distances may be required by the N.C. Department of Transportation.

D. Turning Lanes

Any subdivisions on U.S. and NCDOT highways whose master plan shows over 100 lots shall be required to provide turning lanes into the subdivision.

E. Alleys

- 1. Alleys are required to serve lots used for commercial and industrial purposes or where lots are less than 50 feet wide. This requirement may be waived where other definite and assured provision is made for service access.
- 2. The width of an alley shall be at least 18 feet but may be increased based on the proposed use.
- 3. Dead-end alleys should be avoided, but if unavoidable shall be provided with adequate turn-around facilities at the dead-end.

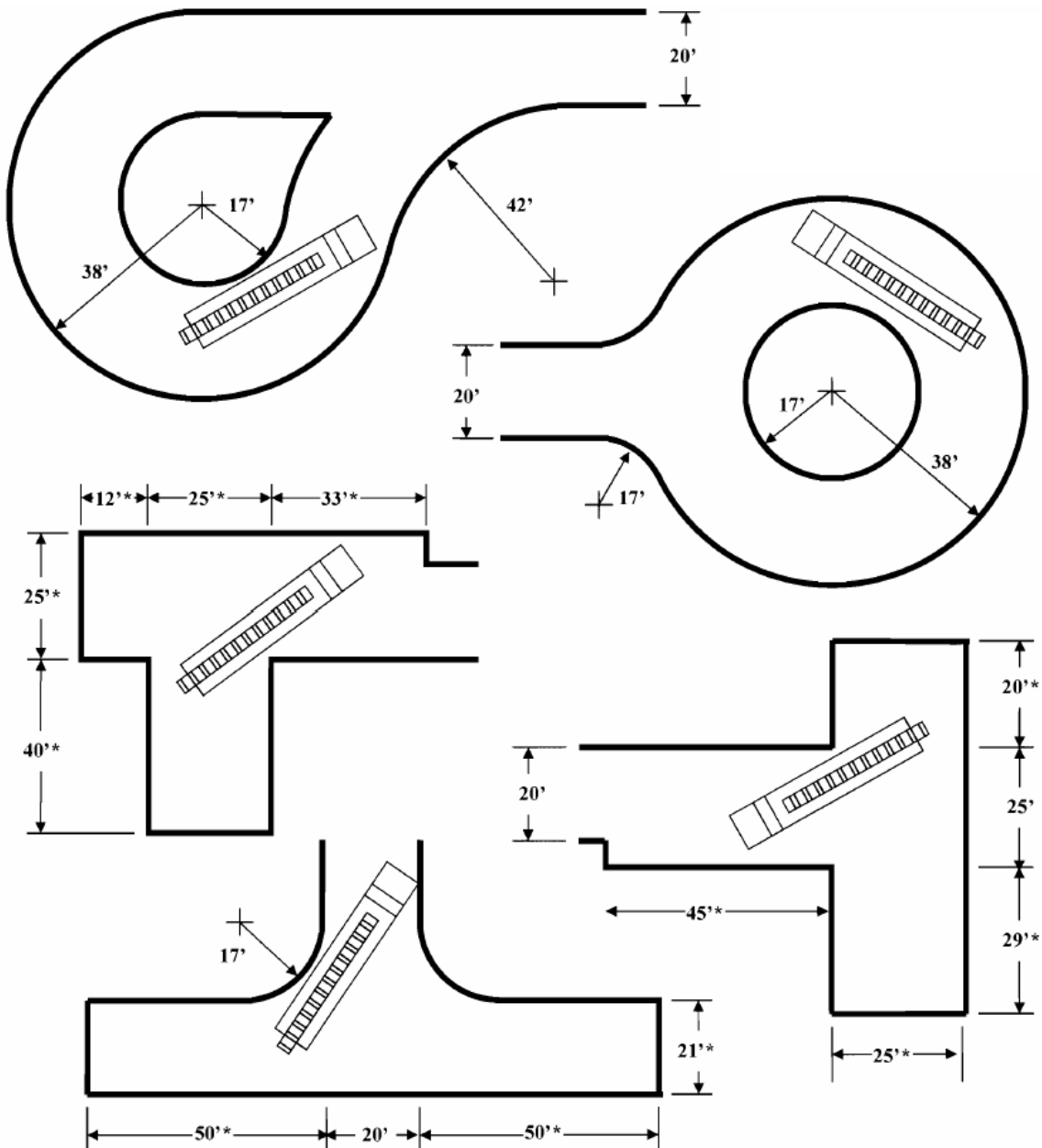
F. Cul-de-sacs, Hammerheads, and other Terminal Access Streets

1. General

- i. Cul-de-sacs streets may not exceed 800 feet in length unless necessitated by topography or property accessibility. Measurement shall be along the centerline of the street from the center of the cul-de-sac to the centerline of the intersecting street.
- ii. The distance from the edge of pavement on the turnaround to the right-of-way line may not be less than the distance from the edge of pavement to right-of-way line on the street approaching the cul-de-sac.
- iii. Cul-de-sacs may not be used to avoid connection with an existing street or to avoid the extension of a street, unless exception is granted by the Planning Board.

2. Multiple Types of Terminal Access Streets

In order to provide design flexibility, terminal access streets may provide turning and maneuvering area at the terminus of the street in compliance with the following graphic:

**Notes:**

Parking is not permitted in turnaround at the dimensions shown.

Where an asterisk is indicated (*), increase this dimension by five feet if adequate space exists.

G. Stub Outs

1. Unless exempted below, stub outs are required on each side (as defined by each of the cardinal directions) of a development as follows:

- i. **Agricultural and Rural Residential Zoning Districts**

At least one stub out for every 2,800 linear feet on any single side of the proposed

10.5 Streets

development.

ii. All other Zoning Districts

At least one stub out for every 1,400 linear feet on any single side of the proposed development.

2. Exemptions

- i. Stub outs are not required adjacent to existing development that has not made any accommodation for such connections or to adjoining sites that are permanently protected from development through conservation easements or ownership that precludes development.
- ii. Stub outs are not required if the only point of access would require crossing floodplains, wetlands, or other similar natural features.

H. Reserve Strips Controlling Access

The reservation of private property strips of too narrow a depth to permit development as a means of controlling access to public ways shall not be permitted.

10.5.5. Street Names

Street names shall not duplicate nor closely approximate existing street names within the County. Extensions of existing, named streets shall bear the existing street name. A complete list of previously used names shall be maintained by the GIS Department.

10.5.6. Street Signs and Markers

- A. Standard street name signs shall be installed at one corner of all street intersections, including private streets. The size, design, materials, location, and installation of the signs shall be in accordance with NCDOT standards, as applicable.
- B. Signs denoting the beginning and ending of public maintenance shall also be erected and maintained on private streets.
- C. Signs denoting the right-of-way boundaries of dedicated or reserved, unopened streets and stubouts shall be erected and maintained according to County standards.

ARTICLE 11. STORMWATER AND FLOOD DAMAGE PREVENTION

11.1 STORMWATER

11.1.1. Applicability

Stormwater Administrator approval of a Stormwater Management Plans is required for the following: must be prepared for, and shall be approved by, the Stormwater Administrator pursuant to the application for a Stormwater Permit for:

- A. All commercial and industrial and other non-residential development and any major subdivision.
- B. Any land-disturbing activity conducted within 30 feet of the banks of a stream or other natural waterway, except when such disturbance is designated as Exempt or Allowable in the Brunswick County Storm Water Management Manual.
- C. Any filling or excavation of a parcel that results in a change of land surface of four inches or more; except instances when filling or excavation is required for on-site sewage treatment systems that is necessary to meet the requirements of the Brunswick County Department of Health (BCDEH) and that is specifically approved and inspected by BCDEH.
- D. Any activity or development that will ultimately result in the disturbance of a total area of one or more acres, except for the following:
- E. Activity on a bona fide farm, unless the activity is for non-farm purposes.
- F. Activities on forestland for the production and harvesting of timber and timber products.

11.1.2. Standards

Any land disturbing activity meeting any of the applicability standards in Section 11.1 above shall comply with the Brunswick County Stormwater Ordinance and Management Manual.

11.2 FLOOD DAMAGE PREVENTION

Editor's notes: These standards have not yet been recodified. They will be reformatted and inserted here.

ARTICLE 12. SIGNS

12.1 PURPOSE AND INTENT

- 12.1.1.** It is the intent of this section to permit signs of a commercial, industrial, and residential nature in districts which have uses with appropriate need for signs and to regulate the size and placement of signs intended to be seen from a public right-of-way or public waters.
- 12.1.2.** Signs including outdoor advertising structures are herein regulated for the intent of regulating excess signage, encouraging the positive economic development of the County, preserving and improving tourism views, promoting the safety of the traveling public, protecting existing property values in both residential and non-residential areas, preventing the overcrowding of land and protecting the aesthetics of the County.
- 12.1.3.** The regulations are designed to prevent overconcentration, improper placement, and excessive height, bulk number and area of signs. It is recognized that, unlike on-premise identification signs which are (in actuality) a part of a business, off-premise outdoor advertising is a separate and distinct use of the public thoroughfare. Because of these fundamental differences, off-premises outdoor advertising signs are regulated differently from on-premise signs.

12.2 CONSTRUCTION AND MAINTENANCE PROVISIONS

- 12.2.1.** Every sign and its supports, braces, guys, anchors, and electrical equipment shall be maintained in safe condition at all times. All signs shall be kept free from defective or missing parts or peeling paint and shall be able to withstand wind.
- 12.2.2.** The immediate premises around a sign shall be kept free from debris. However, no person may damage, destroy, or remove any trees, shrubs or other vegetation located within the right-of-way of any public street or road for the purpose of increasing or enhancing the visibility of any sign.
- 12.2.3.** Any sign permitted under this Ordinance must comply with any applicable requirements of the building code, electric safety code, and other applicable federal, state or county codes.

12.3 DEFINITIONS

For the purpose of this Article (Signs), the following words and phrases are defined as follows:

Awning: A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building. An awning is not a canopy.

Building Wall: The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of these regulations, the area of a wall will be calculated for only the first three stories, or 40 feet maximum height of a building, whichever is less.

Canopy: A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

Changeable Copy: Copy that is or can be changed manually in the field or through mechanical means. [e.g., readerboards with changeable letters.]

Copy: Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

Farm Product Sign: Seasonal sale of farm products raised on the premises where products are raised as an accessory to an agricultural use.

Grade: The height of the top of the curb, or if no curb exists, the height of the edge of the roadway surface.

Linear Frontage: The length of a property abutting a public right-of-way measured from one side lot line to another.

Article 12 Signs

12.3 Definitions

Logo: A business trademark or symbol.

Parapet: That portion of a building wall or false front that extends above the roof line.

Premises: A parcel or lot of real property with a separate and distinct number or designation shown on a recorded plat, record of survey, parcel map, subdivision map, or a parcel legally created or established pursuant to applicable land use regulations. (Outparcels of shopping centers shall be considered on the premises of the shopping center for the purpose of these regulations.)

Roof Line: The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

Sign: Any object, device, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious or civic organizations; works of art which in no way identify a product; or a scoreboard located on athletic fields.

Sign Structure Or Support: Any structure that supports or is capable of supporting a sign, including decorative cover.

Sign Types: Types of signs regulated by this Ordinance shall include, but are not limited to the following:

Banner: A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, education, or corporate organizations.

Bulletin Board: A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly.

Business Sign: A sign that directs attention to a business, profession, or industry located on the premises where the sign is displayed; to type of products sold, manufactured or assembled; and/or to services or entertainment offered on the premises.

Campaign or Election Sign: A sign that advertises a candidate or issue to be voted upon on a definite election day.

Construction Sign: A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

Directional or Instructional Sign: On-Premises: A sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "One-Way", or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may not be included on the sign.

Free-Standing Sign: The general term for any sign which is supported from the ground and not attached to a building.

Flag: A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature.

Flashing Sign: A sign that uses an intermittent or flashing light source to attract attention.

Ground Mounted Sign: A free-standing sign which extends from the ground or which has a support which places the bottom of the sign less than 2 feet from the ground.

Government Sign: Any temporary or permanent sign erected and maintained by a federal, state, or local government, or governmental entity.

Editor's note: Some courts have ruled that "government signs" as previously defined, may allow any person to erect a sign when it is related to a "government purpose," including signs that say things like "No New Taxes!" or similar messages.

Identification Sign: A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

Illuminated Sign: A sign either internally or externally lighted.

Noncommercial Copy: A sign message through pictures, illustrations, symbols, and/or words, or any combination thereof, which does not contain any reference to a business or product but displays a substantive message, statement or expression that is protected by the First Amendment to the Constitution of the United States.

Nonconforming Sign: Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of these regulations, and which fails to conform to all applicable standards and restrictions of these regulations.

Off-Premises Sign: A sign that directs attention to a business commodity, service, or establishment conducted, sold, or offered at a location other than the premises on which the sign is erected.

On-Premises Sign: A sign that directs attention to a business commodity, service, or establishment conducted, sold, or offered on the premises on which the sign is erected.

Outdoor Advertising Structure: A sign or billboard designed to carry outdoor advertising including all free standing, off-premise signs.

Portable Or Movable Sign: A sign that is not permanently attached to the ground, a structure, or a building that can easily be moved from one location or another. [For example, a sign on wheels.]

Real Estate Sign: A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Roof Sign: A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Temporary Sign: A sign which is not permanently installed in the ground or affixed to any structure or building, and which is erected for a period of time as permitted in this Ordinance.

Wall Sign: Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls, canopies signs, and awning signs shall be considered wall signs.

12.4 SIGN MEASUREMENT AND COMPUTATION

12.4.1. Location of Freestanding Signs

- A. On-premises freestanding signs shall be located at least five feet behind the right-of-way (see Section 12.7.1, Outdoor Advertising Structures and Off-Premises Signs for standards applicable to billboards and other off-premises structures).
- B. No sign may be permitted in any sight distance triangle (Section 8.2.4).

12.4.2. Double-Decking

With the exception of onsite directional signs, stacking signs on top of one another (double-decking) is prohibited.

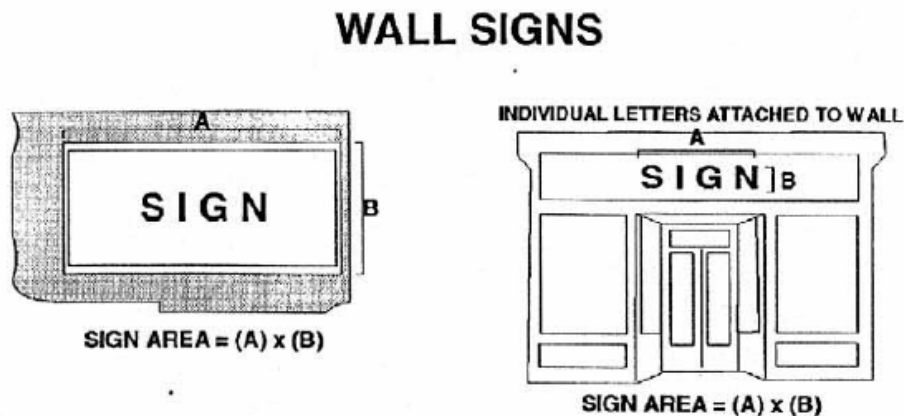
12.4.3. Sign Height

The vertical distance measured from the highest point of a sign, including any molding, trim, border, or frame above the roadway surface from which the sign is to be viewed.

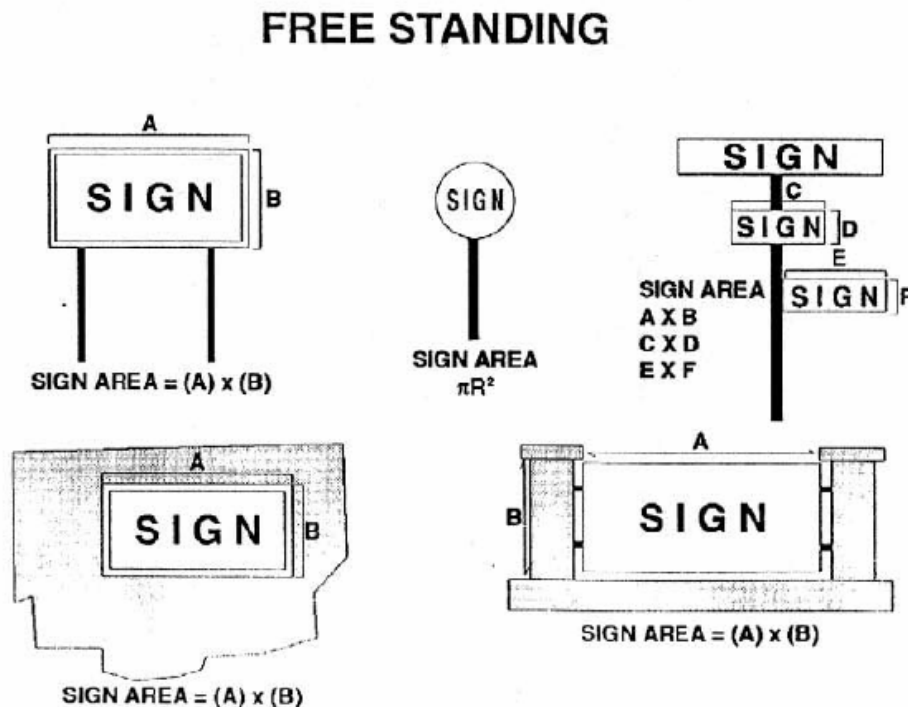
12.4.4. Sign Area

The area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustrations, or ornamentalations, together with any material or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy are not included in the sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed is included in the sign area.

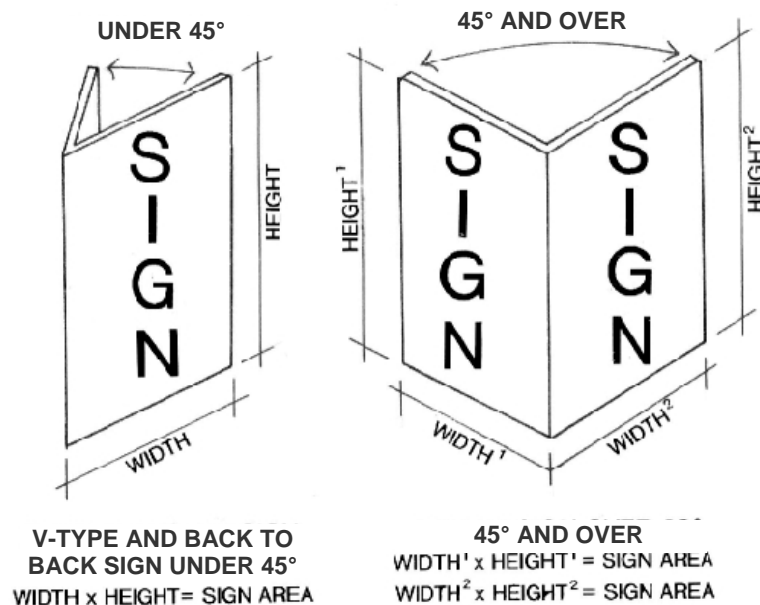
- A. Area of wall signs is computed as indicated in the graphic below:



- B. Area of one-sided free standing signs is computed as indicated in the graphic below:



- C. Signs may be placed back-to-back, side-by-side, or in V-type construction. Side-by-side signs must be structurally tied together and considered as one sign. V-type and back-to-back signs must be considered as two signs if the angle between the faces is 45 degrees or more.



12.5 PROHIBITED SIGNS

The following signs are prohibited in all Zoning Districts:

12.5.1. Signs Located within the Site Triangle

Signs may not be located within a required clear site triangle (Section 8.2.4).

12.5.2. Signs Obstructing View

Signs may not obstruct the view of pedestrians, bicyclists and or motorists using any street or approaching any street intersection. Signs interfering with the effectiveness of or obscuring any traffic sign, device, or signal shall be prohibited. Any sign located in such a way as to deny a visual access to an existing sign.

12.5.3. Moving Signs

Signs, other than government signs, which contain oscillating, fluctuating, flashing or blinking lights, rotating disks, words and other devices not erected by a public authority which may be erroneously construed as government signs or emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word "Stop", "Yield", etc.

12.5.4. Signs Obstructing Pedestrian Traffic

Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.

12.5.5. Signs Located On a Street or Right-Of-Way

Any sign (other than a government sign) placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface and located in, over, or across any public street or right-of-way.

12.5.6. Flashing Signs

Flashing signs, signs with flashing or reflective disks, flashing lights or lights of changing degree of intensity or color or signs with electrically scrolled messages (except government signs and signs

Article 12 Signs

12.6 Signs Allowed in All Districts without a Permit

which give time and temperature information). This exemption applies only to the portion of the sign that displays time and temperature.

12.5.7. Temporary, Nonpermanent Signs

Temporary, nonpermanent signs, including over-head streamers, are not permitted in any zoning district, unless otherwise specified in these regulations.

12.5.8. Scenic Corridor Off-Premise Signs

Off-premise signs designed to be visible from a road designated as a Scenic Byway by the North Carolina Department of Transportation.

12.5.9. Roof Signs

A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

12.5.10. Illegal Activity

Signs that display or advertise an illegal activity in North Carolina.

12.6 SIGNS ALLOWED IN ALL DISTRICTS WITHOUT A PERMIT

The following signs may be allowed in all Zoning Districts without a permit:

Editor's note: Need standards addressing specialty street signs in a private development.

12.6.1. Government Signs

Government signs including graphics usually of a commemorative nature such as obelisks and triumphal arches.

12.6.2. Grave Markers

Grave markers which are noncommercial in nature.

12.6.3. Flags or Pennants

Flags not displaying a logo, message, statement, or expression relating to commercial interests in conformance with the additional requirements of Section 6.6.2.D.3, Flags and Flagpoles.

12.6.4. Architectural Features of Buildings

Integral decorative or architectural features of buildings and works of art, so long as such features or works do not contain letters, trademarks, or moving parts.

12.6.5. On-Premises Instructional Signs

On-premises instructional signs giving information or direction for the convenience and necessity of the public. Such signs shall not exceed six square feet in area or four feet in height. Any commercial message or logo contained in the sign shall not be legible from the public roadway or neighboring properties.

12.6.6. Identification Signs for Residential Uses

Identification signs not to exceed four square feet on any lot.

12.6.7. Campaign/Political Signs

Campaign, election, and political signs of a non-permanent nature may be erected no sooner than 60 days prior to the primary, run-off or general election. Within 72 hours of the election (closing of polls), all signs must be removed.

12.6.8. On Premise Price Signs

Price signs at automobile service stations or other establishments engaged in the retail sales of gasoline. One such sign is allowed for each side of a lot fronting on a public street, provided it does

not exceed 15 square feet in area. Any such sign shall be affixed to a permitted freestanding identification sign, to a canopy support in the vicinity of the gasoline pumps, or flat-mounted against the wall of a building.

12.6.9. Gasoline Service Pump Signs

Signs announcing the location of gasoline pumps at any establishment engaged in the retail sale of gasoline. Such signs shall be located in the vicinity of the pumps and shall not exceed four square feet in area.

12.6.10. Personal Property and Real Estate Signs

Temporary personal property signs and real estate signs advertising specific property for sale, lease, rent or development shall be located as follows:

- A. One sign for each side of a lot fronting on a public street, advertising real estate or personal property "For Sale", "For Rent", "For Lease" or "For Development" not greater than six square feet in area in a Residential District and 32 square feet in area in nonresidential districts may be located on the property being advertised so long as said sign is located behind the street right-of-way line. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be allowed along the second street.
- B. In addition to the on-site real estate sign(s), a maximum of three directional signs, each not exceeding four square feet in area, shall be allowed in other locations. The message of said signs shall be limited to the name of the property, and the terms "Lot/Home For Sale", "For Rent", "For Lease", "For Development", etc. All of these signs shall be located off the street right-of-way.
- C. All such temporary signs shall be removed within seven days after the property has been sold, rented, leased, etc.
- D. No sign allowed under this subsection shall be lighted.

12.6.11. Subdivision, Manufactured Home Park, and Campground Identifications Signs

Permanent subdivision, manufactured home park and campground identification signs not exceeding 64 square feet total per entrance road. Identification signs may not exceed two signs per main entrance and combined square footage per entrance is not to exceed 64 square feet.

12.6.12. Temporary Construction Signs

Temporary construction signs provided that such signs:

- A. May not exceed ten square feet each, which are in conjunction with any residential use. Signs in conjunction with all other uses shall have a maximum area of 50 square feet each.
- B. May not be illuminated.
- C. May only appear at the construction site.
- D. Shall be removed within seven days after final approval or a certificate of occupancy has been issued.

12.6.13. Temporary Farm Product Signs

- A. One on-premises sign may be allowed. Said sign shall be located off the street right-of-way and at least nine feet away from any side lot line. Such sign may have a maximum area of 32 square feet and may not be illuminated.
- B. A maximum of two off-premises signs shall be allowed. Said off-premises signs may have a maximum area of 32 square feet each and may not be illuminated. No such sign may be placed in a right-of-way.

12.6.14. Holiday/Special Events Signs

Temporary special event signs, holiday decorations or banners for religious, charitable, civic, fraternal or similar nonprofit or not for profit organizations provided that no sign may:

- A. Be erected no sooner than 30 days and shall be removed no later than seven days after the event.
- B. Exceed 32 square feet.
- C. Be illuminated.
- D. Be located in street right-of-way.

12.6.15. Other Temporary Banners

For a continuous period not to exceed 14 days, on-premises banners; balloons and other inflatable objects, pennants; and flags for special events and grand openings are allowed so long as said sign objects are not located in a street right-of-way. Within any calendar year, any use may be allowed temporary signs of this nature for no greater than three 14-day periods.

12.6.16. Yard Sale Signs

One on-premise and three off-premises yard sale signs per yard sale. All such signs shall be removed within 24 hours after the yard sale has been terminated. No such sign shall be greater than four square feet in area. All such signs shall be located off the street right-of-way.

12.6.17. Bulletin Boards

Bulletin boards, with a maximum area of 50 square feet.

12.6.18. Directional Signs

Directional Signs (for commercial and public and semi/public uses) provided that:

- A. The maximum aggregate area shall be six square feet.
- B. All such signs shall be located off the road right-of-way.
- C. All such signs greater than three feet in height as measured from the grade of the road upon which it fronts shall be located outside the required sight triangle (Section 8.2.4).
- D. There shall be no greater than four signs on separate supports at any means of ingress and egress.
- E. More than one sign may be placed on the same supports.
- F. No two signs hung from separate supports may be located within five feet of each other.

12.7 SIGNS REQUIRING PERMITS

The following sign types are allowed in conformance with a Sign Permit (see Section 3.15.6) and any applicable standards:

12.7.1. Outdoor Advertising Structures and Off- Premises Signs

A. Outdoor Advertising Structures

A sign or billboard designed to carry outdoor advertising including all free-standing off-premise signs. On-premise signs existing as of the effective date of this Ordinance that exceeds the maximum requirements allowed shall be considered as Outdoor Advertising Structures.

B. Existing Outdoor Advertising Structures

Existing outdoor advertising structures shall be considered a legal nonconforming use and shall be allowed to remain, but may not be altered in any way.

C. Location Restricted

Permits for new outdoor advertising structures may only be issued in the C-LD and I-G zoning districts.

D. Maximum Number of Sign Faces

One per side of sign not to exceed two sign faces.

E. Maximum Sign Area

The maximum sign area of an off premises ground sign is limited, depending on location, as follows:

1. On major thoroughfares, the maximum sign area is 378 square feet.
2. On minor thoroughfares, the maximum sign size is 300 square feet.
3. On all other public roads in the County, the maximum sign size is 100 square feet.

4. Off-Premises Wall Signs

An off-premises wall sign may not exceed 30% of the total surface area of the wall on which the sign is located. Only one off-premises wall sign is allowed on a single wall.

Editor's note: *Is this off-premises wall sign included in the total square footage allowed for a wall sign (off premises/on premises)?*

F. Height

Signs may not extend more than 35 feet above the roadway surface from which the sign is to be viewed.

G. Separation Between Signs

1. On major thoroughfares (as designated in the County Thoroughfare Plan), the minimum separation between off-premise signs is 3,000 linear feet.
2. On minor thoroughfares (as designated in the County Thoroughfare Plan), the minimum separation between off-premise signs is 2,000 linear feet.
3. On all other public roads in Brunswick County, the minimum separation requirements between off-premises signs is 1,000 linear feet.

H. Distance from Centerline

Free standing signs must be located within 660 feet of the centerline of the adjacent roadway.

I. Distance from Property Lines

Signs must be set back a minimum of fifteen feet from any property line.

J. Distance from Residential Zoning Districts

Free-standing signs must be separated from residentially zoned property as follows:

1. 50 feet from any structure;

Editor's note: *is the 50 feet from any structure intended to include residential structures OUTSIDE of a residential district?*

2. 50 feet from any residential zone adjacent to a permitted zone away from the roadway.

K. Additional Spacing

Signs must be separated from the features listed below as follows:

1. 500 feet from the centerline of an intersection;
2. 500 feet from any bridge over a public waterway;

Article 12 Signs

12.8 Common Signage Plan

3. 150 feet from any existing on premise sign on the same side of the road.
4. 250 feet from cemeteries, churches and public parks.

12.7.2. On Premises Signs

A. General

On-premises signs are permitted subject to the following standards:

Zoning District	Sign Types Permitted	Number of Signs Permitted	Sign Separation (feet)	Maximum Sign Area (per sign)	Maximum Sign Height (feet)
AG	Wall	Unlimited	100	96 s.f. ^{2,3}	35 ¹
	Freestanding	1			
RU, RR, R-7500, R-6000, MR-3200, CN	Wall	Unlimited	100	64 s.f. ^{2,3}	10
	Freestanding	1			
C-I, C-M, I-RU, I-G, MI	Wall	Unlimited	100	30% of wall area ^{2,3}	35 ¹
	Freestanding	1		96 s.f. ³	

Notes:
¹ Wall signs may not extend above the parapet of the building or 35 feet, whichever is less.
² The maximum wall sign area per principal use may not exceed 100 square feet or 30% of the building wall area, whichever is less.
³ Movie theaters may have changeable copy wall signs (i.e. readerboards) that exceed the maximum sign area by 100%.

B. Additional Requirements for On-Premises Wall Signs

1. Wall signs may not project more than six inches from the building wall, canopy or supporting structure.
2. A wall sign or its supporting structures may not cover any window or part of a window.
3. Wall signs may not extend over a right-of-way or public easement.

Editor's note: do the maximum sign areas for wall signs listed above include the area occupied by an off-premises wall sign (if applicable)?

12.8 COMMON SIGNAGE PLAN

12.8.1. Common Signage Plan Defined

A common signage plan is a plan for all signs associated with a project that consists of several buildings or businesses which are related in a single development. The signage plan shall include all signs within the development, including outparcels.

12.8.2. Applicability

The requirements of a common signage plan shall apply to all businesses within a related project (as evidenced by a common development plan or site plan); even if the properties are subdivided.

12.8.3. Required Plan Elements

The common signage plan shall consist of five elements:

A. Location

Identification of sign locations on buildings or property.

B. Materials and Illumination

Description of the type of sign and sign materials, including construction materials and proposed lighting if any.

C. Size

1. Itemization of sign size or band area at identified locations.
2. Allocation of sign area for multi-tenant structures may favor one tenant or series of tenants over another, provided the property owner identifies the available sign area per tenant.

D. Color

1. Listing of the colors to be used on each sign.
2. A maximum of three colors plus either black or white are allowed in a single common plan. Any neon lighting for building signage shall be matched to an approved color specified on the signage plan in order to be included as a part of the color scheme.

E. Variations

The Planning Director may approve variations in any element or elements of a common signage plan on a case-by-case basis.

F. Approval Procedure

The approval procedure for common signage plans is set forth in Section 3.15.7, Common Signage Plan.

ARTICLE 13. DEFINITIONS

For the purposes of these regulations, the following words and terms have the meanings specified in this part:
“A”

Abandon: To cease the regular use or maintenance of a lot, building, structure, vehicle (including a manufactured dwelling), or boat.

Abutting: Having common property boundaries or lot lines which are not separated by a street or other type of public way.

Access Point: A public or private point of ingress and/or egress.

Accessory Structure or Use: A use of structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure.

Adjacent: Either abutting or being directly across a street, other public way, or body of water which does not exceed 100 feet in width.

Adult Day Care/Health Services: Adult day care means the provision of group care and supervision in a place other than their usual place of abode on a less than 24-hour basis to adults who may be physically or mentally disabled. Adult day health services is the provision of an organized program of services during the day in a community group setting for the purpose of supporting an adult's personal independence, and promoting his social, physical, and emotional well-being.

Services include health care services as defined by the *North Carolina Adult Day Care and Day Health Services Standards for Certification* and a variety of program activities designed to meet the individual needs and interests of the participants, and referral to and assistance in using appropriate community resources. Also included are food and food services to provide a nutritional meal and snacks as appropriate to the program.

Adult & Sexually Oriented Businesses

Adult Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas (as defined hereinafter).

Adult Bookstore: An establishment that has as substantial portion (over 25% of total retail space) of its stock-in-trade and offer for rent or sale, for any consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult Business: An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons.

Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which 25% or more of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult Theater: A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical area or by specified sexual activities.

Massage: Any manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

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Massage Business: Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Excluded from this definition are legitimate massage therapists, bodywork therapists, or contact manipulation therapists, working under the direct supervision of a licensed Physician, or who in the regular course of their respective businesses, have been licensed or certified by any governmental subdivision in North Carolina, or licensed or certified by a recognized association or organization on file with the North Carolina Secretary of State, the North Carolina Board of Chiropractic Examiners, North Carolina Board of Medical Examiners, N.C. Board of Occupational Therapy, NC Board of Physical Therapy Examiners, or Board of Podiatry Examiners, or have been certified or licensed by a national organization and similarly registered.

Sexually Oriented Business: A sexually oriented business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to: adult arcades, adult bookstores, adult motion picture theaters, adult theaters, massage businesses, as defined by this Ordinance.

Specified Anatomical Areas: Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.

Specified Sexual Activities: Specified sexual activities shall be defined as:

- (i) Human genitals in a state of stimulation or arousal;
- (ii) Acts of human masturbation, sexual intercourse, sodomy; or
- (iii) Fondling of other erotic genitals, pubic regions, buttocks or female breasts.

Total Retail Space: Any space within the structure that is used for the direct sale of merchandise to the public and storage areas for those items.

Agri-Business: A specialized activity associated with, or serving bona fide farms and the general public, including marketing, processing, packaging, transporting, and wholesale or retail sale of products, which products consist of a central component which is produced on or benefits a bona fide farm. An Agri-Business is not an Agricultural Industry.

Agricultural Industry: Except for home consumption on bona fide farms and Agri-Business activities, processing of fish, shellfish, poultry, and other natural and manmade animal, vegetable or mineral organisms including fur bearing animals, mice and rats, rabbits, winged animals, carnivorous animals, snakes; culturing, processing development and production of any bona fide farm product; packing, selling, displaying, or distributing or other activity with any non-bona fide farm commodity.

Airport: A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft are regularly stored, maintained, or repaired while not in flight with an area that the aircraft may use to take off and land.

Amendment: Any change to the text of these regulations or the official zoning maps.

Amortization: The process of providing for a timed extinction of a use which is not in compliance with this Ordinance.

Animal Hospital/Veterinary Clinic: A place or facility which provides dental, medical or surgical care for dogs, cats and other domesticated animals. Kennels are not included within this definition.

Antenna: Any apparatus designed for the transmitting and/or receiving of electromagnetic waves to include but is not limited to telephonic, radio or television communications. Types of elements include, but are not limited to: omni-directional (whip) antennas, sectorized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas.

Antenna Array: A single or group of antennae and their associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna, Combined: An antenna or an array of antennas designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

Antenna-Supporting Structure: A vertical projection composed of metal, or other substance with or without a foundation that is for the express purpose of accommodating antennas at a desired height above grade. Antenna-supporting structures do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than 20 feet.

Anti-Climbing Device: A piece or pieces of equipment which are either attached to antenna supporting structure, or which are free-standing and are designed to prevent people from climbing the structure. These devices may include but are not limited to fine mesh wrap around structure legs, “squirrel-cones”, the removal of climbing pegs on monopole structures, or other approved devices, but excluding the use of barbed or razor wire.

Arboretum: A place for the scientific study and public exhibition of trees, shrubs, and plants, including unique features such as butterfly rooms.

Articulation: An emphasis given to architectural elements (including windows, balconies, porches, entries, etc.) to create a complementary rhythm or pattern; modulation of building facades, massing and detail to create variety.

Attached Wireless Communication Facility: An antenna or antenna array that is secured to an existing building with any accompanying pole or device which attaches it to the building, transmission cables, and an equipment enclosure, which may be located either on the roof, inside, or outside of the existing building. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site.

Automotive Repair: A building designed and used for the storage, care, and repair of motor vehicles including motors of boats and planes including both minor and major mechanical overhauling, paint and body work.

“B”

Bank: See “Financial Institution”.

Bar and Cocktail Lounge: Any establishment wherein alcoholic beverages are sold at retail for consumption on the premises and from where minors are excluded by law. This definition does not include premises where alcoholic beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of alcoholic beverages comprises less than 25% of gross receipts.

Bed and Breakfast House: A building designed as a residential structure containing one or more guest rooms for an overnight stay which are rented at a daily rate and where breakfast is the only meal served to guests.

Boarding House: Any form of dwelling unit where meals and rooms are offered on a permanent or long-term basis, for remuneration.

Borrow Pit: a pit created to provide earth or other excavated material that can be used as fill at another site.

Broadcast Antennae, TV/HDTV/AM/FM Broadcast Facility: Broadcast antenna-supporting structure and/or towers, including replacements, which contain antennae/towers that transmit signals for television and radio communications.

Buffer: A portion of property designated to mitigate impacts between land uses or transportation routes, or to protect water features from pollutants.

Buildable Area: The area of a zoning lot remaining after the minimum setback requirements of this Ordinance have been satisfied.

Building: A temporary or permanent structure having a roof supported by columns or walls and which can be

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used for the shelter, housing, or enclosure of person, animals, or goods. Manufactured homes and modular homes are buildings.

Building Height: The height of a building measured from average finished grade at the front of a building or structure to the highest point of the building.

Building Site: An area of land or property where development is undertaken.

“C”

Cabinet and Woodworking Shops: Establishments engaged in manufacturing fabricated mill work, cabinets, hardwood dimension, structural wood members, containers and other wood products, but excluding the processing of raw logs from the field.

Caliper: The diameter of the main trunk or stem of plant material, measured at the specified height above the ground. If no height from the ground is specified, the diameter shall be measured at 48 inches above the ground.

Car Wash: A facility where motor vehicles are washed, cleaned, and/or waxed by hand or with manually-operated equipment or automatic machinery.

Camper: A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation, or vacation use. A camper is not designed or intended to be used as a permanent dwelling. Campers may also include the following:

- (a) *Travel trailer:* A vehicular, portable structure built on chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes. A travel trailer is not designed or meant to be used as a permanent dwelling.
- (b) *Recreational Vehicle:* A self-propelled vehicle or portable structure mounted on such a vehicle designed as temporary dwelling for travel, recreation, and vacation.
- (c) *Tent:* A portable shelter of canvas, plastic, or skins stretched over a supporting framework of poles with skins stretched over a supporting framework of poles with ropes and pegs.

Camper Space: A plot of land within a campground designed for the accommodation of one camper or tent.

Campground: Any lot upon which 15 or more campers or tent spaces are provided for temporary occupancy according to requirements as set forth in this Ordinance. A campground shall also be known as a recreational vehicle park, or travel trailer park.

Cemetery: A place for the burial of the dead. A cemetery can be a combination of one or more of the following, in a place used or to be used and dedicated or designated for such purposes:

- (a) A burial park, for earth interment.
- (b) A mausoleum, for burial above the ground.
- (c) A columbarium, a structure substantially above the ground, for interment of the cremated remains of a deceased person.

Cemetery, Private: As above, but where the owning entity, generally an extended family, fraternal order, or religious sect, does not sell or lease grave sites of any nature.

Clear-cut: To cut all the trees in a stand of timber.

Club or Lodge (Private Nonprofit, Civic or Fraternal): A nonprofit association of persons, who are bona fide members paying dues, which owns, hires or leases a building, or portion thereof; the use of such premises being restricted to members and their guests but excluding adult establishments.

Commercial Recreational Facilities: Establishments engaged in providing indoor/outdoor amusement or entertainment services. This definition includes all uses in the following groups:

- (a) Amusement Parks.
- (b) Outdoor Theater.
- (c) Sports Facilities.

Collocation: The practice of installing and operating multiple and various wireless carriers, service providers, and/or Radio Common Carrier licensees from the same supporting structure or attached wireless communication facility, using different and separate antennae, feed lines, and Radio Frequency generating equipment.

Common Open Space: An area of open space within a development site designed and intended for the use and enjoyment of residents of the development or for the general public.

Concealed Wireless Communications Facility: A wireless communications facility, ancillary structure, or WTF equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed uses on a site. A concealed facility may have a secondary function, including, but not limited to the following: church steeple, windmill, bell tower, clock tower, cupola, light standard, flagpole with or without a flag, or tree. A non-concealed wireless communication facility is one that is readily identifiable such as a monopole or lattice tower.

Condominium: The ownership of single units in a structure with common areas and facilities.

Condominium Unit: An enclosed space consisting of one or more rooms occupying all or part of a floor in a building of one or more floors or stories regardless of whether it is designed for residence, office, the operation of any industry or business, or any type of independent use and shall include such accessory spaces and areas as may be described in the declaration, such as garage space, storage space, balcony, terrace or patio.

Construction and Demolition Landfills: Disposal facilities which store solid waste resulting solely from construction, remodeling, repair, or demolition operations on buildings or other structures, land-clearing debris (solid waste that is generated from land clearing activities such as stumps, tree, etc.), inert debris (solid waste which consists of material that is virtually inert, such as brick, concrete, rock, clean soil, and used asphalt), untreated wood, and uncontaminated earth.

“D”

Day Care Facility: A place other than an occupied dwelling, that provides for the care of children or adults. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made. The following facilities are not considered day care facilities: public schools; non-public schools whether or not accredited by the N.C. State Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are of public school age; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods.

Day Care Home: Use of a dwelling for the purpose of providing for the care of children or adults by an adult occupant of the dwelling. For purposes of a day care home, those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults. Additionally, those receiving care are not dependents of the occupant, and do not reside on the site.

Dedication: The transfer without payment of ownership or other interest in real property from a private entity to a public agency.

Development: Any human caused change to improved or unimproved real estate that requires a permit or approval from any agency of Brunswick County, including but not limited to, constructing or changing buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations and storage of materials.

Development Plan: A type of plan that becomes part of the zoning approval of a property that provides guidance for the preparation of site plans.

Dewatering: Withdrawal by mechanical means of subsurface water so as to cause drawdown, and to allow a dry environment below the natural water table.

Diameter at Breast Height (dbh): The diameter of a tree measured four and one-half feet above the ground.

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Drawdown: Reduction in head at a point, caused by the withdrawal of water from an aquifer.

Drive-Through Facility: An establishment that dispenses products or services to patrons who remain in vehicles. Fuel sales are not included.

Dwelling Unit: Rooms used for human habitation containing independent cooking, sleeping, and toilet facilities; excluded are boarding houses, hotels, and dormitories.

Driveway: A private roadway located on a parcel or lot used for vehicle access.

"E"

Educational Facilities: Colleges, Universities, Professional Schools & Technical Institutions, Elementary & Secondary Schools, Libraries, and Museums. Kindergartens and day cares are not excluded.

Emergency Shelter: A facility providing temporary lodging and ancillary services on its premises to primarily indigent, needy, homeless or transient persons and operated by a nonprofit, charitable, or religious organization.

"F"

Family Care Home: A dwelling that provides room and board for not more than six persons who because of age, illness, handicap, or specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort that is regulated by the State of North Carolina. (For purposes of Family Care Homes, a "handicapped person" as defined in G.S. 168-21(2) means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b.) If the home is not licensed under G.S. 131D, Article 1 or is exempt from State licensing, the home shall be considered a group home and shall be subject to all applicable requirements of this Ordinance.

Feed Lines: Cables used as the interconnecting media between a transmission/receiving base station and an antenna.

Financial Institution: A use or structure where financial, pecuniary, fiscal or monetary services are made available, including depository institutions, non-depository institutions, holding companies, other investment companies, brokers and dealers in securities and commodity contracts, security and commodity exchanges, cash checking services, bondsmen services, and pawn brokers. The word bank is interchangeable with the term financial institution in this Ordinance.

Floating Structure: Any structure or vessel in fact used, designed and occupied as a permanent dwelling unit, business or source of any occupation or any private or social club, which floating structure or vessel is primarily immobile and out of navigation or which functions substantially as a land structure while the same is moored or docked on waters within County jurisdiction; whether such floating structure is self-propelled or not.

"G"

Geographic Search Area: An area designated by a wireless provider or operator for a new base station facility, produced in accordance with generally accepted principles of wireless engineering.

Golf Course: A tract of land designed and laid out for the game of golf having at least nine holes, each with a tee, fairway, green, and one or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the golf course. This definition does not include miniature golf.

Group Care Home: A dwelling operated under State regulations that provides room and board for more than six, but less than 13 individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. Additional requirements may be imposed by the North Carolina Building Code.

Guesthouse: A separate residence for guests, as a house on a private estate or a boarding house, of high

standards.

Guyed: A style of antenna-supporting structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of guy wires that are connected to anchors placed in the ground or on a building.

"H"

Handoff Candidate: A wireless facility that receives call transference from another particular wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

Hazardous Materials Treatment Facility: A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.), and the "North Carolina Solid Waste Management Act", as amended (Article 13B. G.S. 130-166.16), so as to neutralize such material or render it non-hazardous, safer for transport, amendable for recovery, amendable for storage or reduced in bulk.

Height (measurement): See Section 6.6.2, Height.

Heritage Tree: Any tree species included in the planting table (see Section 9.1.5.D) with a trunk caliper measurement of 24" or greater measured at four feet above ground.

Home Occupations: A commercial activity conducted within a residential structure.

Hospital: An establishment primarily engaged in providing diagnostic services, extensive medical treatment including surgical services, and other services, as well as continuous nursing services. The establishment has an organized medical staff on duty 24 hours a day, inpatient beds and equipment and facilities to provide complete health care; may also provide emergency room care and include less intensive medical uses such as convalescent and ambulatory care facilities.

"I"

Impervious Surface: Any surface which in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but not be limited to compacted earth (such as marl and coquina), gravel, concrete, asphalt, or other paving material, and all area covered by the footprint of buildings or structures. Uncovered wooden slatted decks and the water area of a swimming pool are considered pervious.

Indoor Recreation: Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which constitute principal uses and are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation" structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

"J"

Junkyard: Any place which is maintained, used or operated for salvaging, storing, keeping, buying, or selling of wrecked, scrapped, ruined or dismantled motor vehicles, motor vehicle parts, boats, boat motors, trailers, lawn movers, tractors, tires, household appliances, construction debris, paper, metals, rubber, rags, and glass. The presence on any lot or parcel of land of two or more junked motor vehicles or junked boats as the term is defined herein for a period exceeding 30 days shall constitute prima-facie evidence of a junkyard.

Junked Motor Vehicles, Boats and Trailers: Motor vehicles, boats and trailers which are:

1. wrecked and/or dismantled, or
2. which do not display as required a: current registration sticker, current license plate, current inspection sticker issued by or in the same state as the vehicle registration and/or license plate, and at

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least one of the following:

- a. cannot be self-propelled or moved in the manner in which originally intended; or
- b. are more than five years old and appear to be worth less than \$1000.

“K”

Kennel: A commercial non-incidental or non-profit establishment used as four housing, leasing, sealing, training, rehabilitating, breeding, grooming, or fostering of any species, excluding domesticated livestock.

“L”

Laboratory: A facility for performing bacteriological, chemical, or other analyses.

Lattice: A tapered style of antenna-supporting structure that consists of vertical and horizontal supports with multiple legs and cross-bracing, and metal crossed strips or bars to support antennas.

Least Visually Obtrusive: A Wireless Communication Facility (WTF) that is designed to present a visual profile that is the minimum profile necessary for the facility to properly function.

Light Manufacturing: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed 25% of the floor area of all buildings on the property.

Loading Area: A space used to transfer goods and material between vehicles and a building or lot.

Lot: A parcel of land or a combination of several parcels of land occupied or intended to be occupied by a principal use or structure, with the accessory buildings and uses customarily incidental to it, including such open spaces as are required to make such lot usable under the terms of this Ordinance.

- (a) For the purposes of this Ordinance, a parcel of land shall be considered a lot if the parcel:
 - (i) has frontage on a public street, or
 - (ii) has frontage on an officially approved private street through the Subdivision Ordinance, and
 - (iii) has been approved as a subdivision or an exemption to the Subdivision Ordinance, or
 - (iv) has been created through an heir division under the jurisdiction of the Clerk of Superior Court.
- (b) All other land divisions not meeting this requirement which existed prior to the effective date of passage of this Ordinance shall be deemed a lot for purposes of this Ordinance. In consideration of this Ordinance, a lot may consist of:
 - (i) A combination of complete lots of record;
 - (ii) A combination of complete lots of record and portions of lots of record;
 - (iii) Portions of lots of records, provided that such lots or combinations of lots are sufficient size to meet the requirements of this Ordinance for the subject district and no portion of the lot falls below the average size of the lots of record in the block in question;
 - (iv) Single lots of record;
 - (v) Parcels of land defined by metes and bounds description where such parcels are in conformity with this Ordinance and other laws of Brunswick County.

Lot of Record: A lot that is shown on a subdivision recorded in the office of Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the

Register of Deeds prior to the adoption of this Ordinance.

"M"

Major Thoroughfare Plan: The most recently adopted Brunswick County Thoroughfare Plan prepared by the North Carolina Department of Transportation in cooperation with the United States Department of Transportation.

Marinas: Any publicly or privately owned dock, basin, or wet boat storage facility constructed to accommodate more than two boats and providing any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haul-out facilities, and repair services.

Manufactured Home: See Section 6.7.4, Housing Types.

Manufactured Home Park: Premises where manufactured homes are parked for living and sleeping purposes, or any premises used for or set apart for the purpose of supplying parking space for manufactured homes for living and sleeping purposes. Often known as Mobile Home Parks or House Trailer Parks, or Courts. A manufactured home park is not a manufactured home subdivision.

Manufactured Home Salvage and Storage Yard: A place where junked, dilapidated and abandoned manufactured homes, as herein defined, or used manufactured home parts are stored, kept, parked, dismantled, demolished, salvaged, recycled, or scrapped.

Mining Operations, Class I: A place where soil or other unconsolidated material (i.e. sand, marl, rock, fossil deposits, peat, fill or topsoil) is removed to be used off-site, without further on-site processing (i.e. use of conveyor systems; screening machines; crushing; or other mechanical equipment). It does not involve dewatering or the use of explosives and has an affected land area of no greater than 20 acres.

Mining Operations, Class II: A place where soil or other unconsolidated material (i.e. sand, marl, rock, fossil deposits, peat, fill or topsoil) is removed to be used off-site with or without further on-site processing (i.e. use of conveyor systems; screening machines; crushing; or other mechanical equipment). It does not involve dewatering or the use of explosives and has an affected land area greater than one acre.

Mitigation (for wireless communications facilities): A modification to increase the height of an existing antenna support structure, or to improve the structural integrity of an existing support structure, or to replace or remove one or more antenna support structure(s) located in close proximity to a proposed new antenna support structure in order to encourage compliance with the Ordinance or improve aesthetics or functionality of the overall wireless network.

Modular Unit or Modular Home: A factory-fabricated, transportable building or dwelling in compliance with the North Carolina Building Code, that is designed to be used by itself or to be incorporated with other units into a structure that will be a finished building on a permanent location on a permanent foundation. A modular unit shall not be considered a manufactured home for the purpose of this Ordinance.

Monopole: A style of free-standing antenna-supporting facility that is composed of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna-supporting facility is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.

Motor Vehicle Dismantling and Wrecking Yard: Any open area of more than 200 square feet used for storing or dismantling inoperative or junked or wrecked motor vehicles.

"N"

Nightclub: A commercial establishment dispensing alcoholic beverages for consumption on premises where a dance floor or entertainment is provided.

Nude: A situation involving a condition of individuals being unclothed or devoid of clothing.

Nursery: A place where plants are grown commercially, either for sale directly to the public, other retailers, or to wholesalers.

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Nursing Home: A licensed facility providing care (i.e., Managed care and Convalescent homes) for three or more sick, aged or disabled persons not related by blood or marriage to the operator. Nursing homes are classified as "dependent" and/or "independent" living facilities depending upon the degree of support services on site.

"O"

Office: A room, group of rooms, or building whose primary use is the conduct of a business, professional service, or governmental activity of a non-retail nature. This definition is not meant to include manufacturing, processing, repair, or storage of materials or products.

Open Space: An area of land or water which is open and unobstructed including areas maintained in a natural or undisturbed character or areas improved for active or passive recreation. "Open space" shall not include lands below mean sea level except required impoundments or retention ponds, carolina bays, and pocosins, and areas covered with buildings, structures, streets or off-street parking areas, including landscaping associated with such parking areas.

Outdoor Recreation: Public or private golf courses, driving ranges, swimming pools, tennis courts, ball fields, and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, club houses, country clubs or similar uses which are designed and intended primarily for the use of patrons of the principal recreational use.

Outparcel: Individual retail sites in a retail center that, when combined, are less than the square footage of the attached retail spaces which form the primary retail center.

Outpatient Facility: A medical facility providing treatment to a patient who is able to return home after care without an overnight stay (i.e., Surgical care, Urgent care or any other outpatient facility).

"P"

Park: Land consisting of open space, in grasses, trees, and possibly with shrubbery, sometimes providing paths for walking and bicycling, maintained as a public or semi-public use. Parks are usually either a formal landscape, or maintained in basically a natural state.

Personal Service Establishments: An establishment primarily engaged in providing services to individuals and/or staff support services to businesses. Personal Services include the following list of uses:

- (a) Business Services
- (b) Beauty Shops
- (c) Barber Shops
- (d) Miscellaneous repair shops not including vehicle repair

Personal Wireless Service: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

Pervious Paving: Surface improvements such as grass, interlocking concrete paving blocks, brick pavers, grid pavers, or other similar improvements which permit the infiltration of water through the improved surface. Gravel shall not be considered a pervious paving surface.

Place of Worship: A religious institution often in the character of a church, temple, synagogue, mosque, or store-front operation, providing education, fellowship, service including outreach, worship and sanctuary, including various accessory uses and structures, such as schools, day care centers, Good Shepherd facilities providing without cost clothing, food, financial help, medical services, and catering to other needs such as temporary shelter for the Homeless. Such accessory features also include dwelling units for one or more staff, nunneries, senior citizen housing, nursing care facilities, monastic quarters, and orphanages, all on the same lot.

Editor's note: *The definition for Place of Worship is very broad and includes many uses that may be better addressed as separate primary uses.*

Planned Group of Structures: More than one primary structure on a single tract of land, under individual, corporate, firm, partnership, or association ownership, planned and developed as a group, in a single development operation or a definitely programmed series of development operations, and according to an approved preliminary site plan.

Planned Unit Development (PUD): An area of land under unified ownership and control to be developed and improved as a single entity under a Unified Development Plan.

Plant Unit: The measure of plant material required for 100 linear feet of buffer area to meet landscape requirements and ensure variety in buffer plantings.

Private Clubs: See "Club or Lodge".

Professional Offices: An establishment primarily engaged in providing: engineering, architectural, and surveying services; accounting, auditing, and bookkeeping services; public relations services; legal services; real estate services; the services of insurance agents, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies.

Public Antenna-Supporting Structure: An antenna-supporting structure, appurtenances, equipment enclosures, and all associated ancillary structures used by a public body or public utility for the purposes of transmission and/or reception of wireless communication signals associated with but not limited to: public education, parks and recreation, fire and police protection, public works, and general government.

Public Road: Any road or highway which is now or hereafter designated and maintained by the N.C. Department of Transportation as a part of the State Highway System, whether primary or secondary, hard-surfaced or other dependable highways, and any road which is a neighborhood public road as defined by North Carolina General Statute 136-67, which definition is incorporated into this section by reference.

Public/Semi-Public Facilities: An electricity or gas substation, water or wastewater pumping station, telephone repeater station, water storage tank, reservoir, or similar structures used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a wastewater treatment plant, but not including satellite dish antennas, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

Public Sewage Disposal System: A wastewater treatment system serving a minimum of 15 dwelling units and approved by the appropriate agent of the state of North Carolina. This definition is not to be inferred as limited to publicly owned or operated systems, as such systems may be owned and operated by either public or private enterprise.

Public Water Supply: Any water supply furnishing potable water to 15 connections, or combination of 25 residences or businesses so approved and designated by the appropriate agent of the state of North Carolina. This definition is not to be inferred as limited to publicly owned or operated systems; as such systems may be owned and operated by either public or private enterprise.

"Q"

Quarries: A place where minerals as defined in the N.C. General Statutes in Article 7 Ordinance 74 are excavated for building or other purposes. Quarries are characterized by any of the following: 1). industrial or dimension stone is excavated; 2). dewatering; 3). the use of explosives; 4). the excavated material is processed prior to sale or delivery off site; 5). stone faces are left in reclamation; and 6). re-injection wells may be used.

"R"

Restaurant: A public or private enterprise designed in whole or in part to accommodate and cater to the consumption of food and/or drink, as regulated by the ABC law, either for on site or off site consumption, and can be conducted within enclosed space or as open air activity.

Retail Sales, Less Than or Equal to 10,000 Square Feet: Retail establishments with a gross floor area

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(including storage) of less than or equal to 10,000 square feet providing general merchandise to the public including motor fuels.

Retail Sales, More Than 10,000 Square Feet: Retail establishments with a gross floor area (including storage) of more than 10,000 square feet providing general merchandise to the public including motor fuels.

Retreat Center: A new or existing facility operated by a corporation or association of persons or churches for social and recreational purposes. A retreat center may be owned by a profit or not-for-profit organization.

"S"

Satellite Dish Antenna(s) (Satellite Earth Stations): A single or group of satellite parabolic (or dish) antennas. These dishes are mounted to a supporting device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment enclosures necessary for the transmission or reception of wireless communications signals with satellites.

Screening: A fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site.

Self-Storage Facility: Small cubicles linked together in a single building or row of buildings for the purpose of renting storage space, usually on a temporary basis. This definition shall include mini-warehouse facilities, RV/camper and boat storage.

Semi-Trailer: Any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing vehicle.

Septage: A waste that is a fluid mixture of partially treated sewage solids, liquids and sludge of human or domestic waste origin, pumped from septic tanks, residential grease traps, or privies. Septage is considered waste that has not been treated by a process to significantly reduce pathogens.

Setback: The minimum distance between a property line and a building or structure.

Site Built Home: A dwelling unit constructed in accordance with the standards set forth in the North Carolina Building Code real title (Uniform residential code for single family dwellings) and composed of components substantially assembled on site on a permanent foundation. A site built home is deemed to be a single-family dwelling as defined in this Ordinance.

Site Specific Development Plan: A plan of land development submitted to the appropriate approval authority for the purpose of obtaining one of the following approvals/permissions pursuant to N.C.G.S. 153A-334.1:

- (a) A major site plan prepared for a Special Exception to this Ordinance based upon such required and official site plan;
- (b) A Planned Unit Development Plan jointly receiving permissions/authority under the terms of this Ordinance and the Subdivision Ordinance, thus a combined Zoning Special Exception and preliminary plat.
- (c) Or such other combination of approvals and permissions under both this Ordinance and the Subdivision Ordinance as from time to time may be developed in accordance with the intent of this General Statute.

Sludge: Any solid, semi-solid, or liquid waste generated from a residential, commercial, municipal, or industrial wastewater treatment plant or water supply treatment plant not considered to be hazardous by EPA or the NC Department of Human Resources, Solid and Hazardous Waste Branch. Sludge shall be considered that waste which has been treated by a process to significantly reduce pathogens.

Solid Waste: Any garbage, refuse, septage, sludge or any other waste material which is not considered hazardous by the US Environmental Protection Agency (EPA) or the North Carolina State Department of Human Resources, Solid and Hazardous Waste Branch.

Sound: The sensation perceived by the sense of hearing, i.e., mechanical radiant energy that is transmitted by longitudinal pressure waves in air, or other material medium, and is the objective cause of the sensation of hearing.

Stable, Commercial: A commercial operation where horses are kept for purposes such as boarding, hire or sale.

Stable, Private: A structure in which horses are kept for private use.

Stealth Wireless Transmission Facility (Stealth WTF): a WTF that is screened, disguised, concealed or otherwise camouflaged as a natural structure, structure or part of a structure such that the WTF is indistinguishable from other natural structures, structures or the structure that it is attached to or within.

Storage, Outdoor: The storage of goods, bulk materials or discarded items in the open or under a structure containing a roof but no walls.

Stormwater Removal: Evacuation of surface water accumulation that does not lower the natural water table.

Structure: Anything, excluding paving, constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, screened enclosure, fences, advertising signs, billboards, poster panels, swimming pools, manufactured houses, modular houses, and underground shelters.

Structural Alterations: Any change in the supporting members of a structure such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Stub Out: The extension of a street to an external property line to facilitate future roadway connection and reduce traffic impacts on the road network.

Support Equipment (WTF): Any and all devices utilized to attach or hold antennas, feed lines, or any related equipment to a WTF.

"T"

Tavern: An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks are available for consumption on the premises.

Temporary Mining: Sand and soil excavation and movement activities associated with land development that are not required for the construction of internal roadways or structures during the construction of a major subdivision (see Section 7.5.4, Temporary Mining and Borrow Pit).

Terminal, Freight: Any facility for handling freight with or without storage and maintenance facilities. This definition includes all uses in the following SIC groups:

Transmission Tower: Structures whose principal function is to support communication antenna(s).

Truck Terminal: A facility where cargo is stored and where trucks load and unload cargo on a regular basis.

"U"

None.

"V"

Vehicle Service and/or Repair: Buildings and premises for major repairs on automobiles, trucks, boats, and other equipment including large engines, body work, painting, and reconstruction.

Vested Right: See "Zoning Vested Right".

Veterinary Establishment: A place specializing in the care, diagnosis and treatment of animals in need of medical or surgical attention. A veterinary establishment may have as an integral part of it, pens, stalls or cages for quarantine or observation, designed or arranged to minimize noise impacts.

Video Gaming Machine: As defined in Section 14-306.1 (c) of the North Carolina General Statutes.

"W"

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Warehouse: The indoor storage of goods, materials, or merchandise for shipment to or processing on other property.

Wastewater Treatment Facility: A wastewater treatment facility operated by a licensed utility and or unit of government in compliance with all applicable State and County regulations which meets either of the following criteria:

- (a) Provides subsurface wastewater disposal for any number of uses or dwelling units; or
- (b) Provides above-ground wastewater disposal for more than one use or more than four dwelling units.

Wholesale Establishment: A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

Wireless Ancillary Structures: Forms of development associated with a wireless communications facility, including but not limited to: foundations, concrete slabs on grade, guy wire anchors, generators, and transmission cable supports; however, specifically excluding equipment enclosures.

Wireless Communications: Any personal wireless service, which includes but is not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing Part 15 devices (i.e. wireless internet services) and paging.

Wireless Communication Facility (WTF): Any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennae, transmission cables, and equipment enclosures, and may include an antenna-supporting formation. The following facility types are considered a Wireless Communication Facility: developments containing new or existing antenna-supporting structures, public antenna-supporting structures, replacement antenna-supporting structures, collocation on existing antenna-supporting structures, attached wireless communications facilities, and nonconcealed wireless communication facilities. The following facility types are not included in this definition: amateur wireless facilities, satellite dish antennae and antenna supporting structures, and antennae and/or antenna arrays for TV/HDTV/AM/FM broadcasting transmission facilities.

Wireless Communication Facility Equipment Compound: A fenced outdoor area surrounding a wireless communication facility including the areas inside or under the antenna-support structure's framework and WTF support structure.

Wood Waste Grinding Operation: A permanent operation that receives organic wastes to be treated or processed for recycling or reuse in soil-plant related industries including activities such as grinding or chipping land clearing debris, high carbon nitrogen yard waste into mulch or boiler fuel. Such operation would be in existence for a period greater than six (6) months.

"X"

None.

"Y"

None.

"Z"

Zero Lot Line: The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Zoning Vested Right: A right pursuant to N.C.G.S. 153A-344.1 to undertake and complete the development and use of land under the terms and conditions of an approved site development plan even if the zoning or zoning district requirements are changed prior to development.

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